



# PUBLIC NOTICE

**Federal Communications Commission**  
**45 L Street, NE**  
**Washington, DC 20554**

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

**DA 21-207**  
**February 24, 2021**

## **AUCTION OF FLEXIBLE-USE SERVICE LICENSES IN THE 3.7–3.98 GHz BAND CLOSES**

### **WINNING BIDDERS ANNOUNCED FOR AUCTION 107**

**Down Payments Due March 10, 2021**  
**FCC Forms 601 and 602 Due March 10, 2021**  
**Final Payments Due March 24, 2021**

**AU Docket No. 20-25**

#### **I. INTRODUCTION**

1. On February 17, 2021, bidding in Auction 107—the auction of new flexible-use overlay licenses in the 3.7–3.98 GHz band—concluded following the close of bidding in the assignment phase.<sup>1</sup> Auction 107 raised a total of \$81,114,481,921 in net bids and \$81,168,677,645 in gross bids, with 21 bidders winning a total of 5,684 licenses.<sup>2</sup>

2. By this Public Notice, the Office of Economics and Analytics (OEA) and the Wireless Telecommunications Bureau (WTB) announce the results of Auction 107. 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 107 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 a pre-addressed, stamped envelope for the return of RSA SecurID® tokens used in Auction 107 bidding.<sup>3</sup>

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<sup>1</sup> Bidding in the clock phase of Auction 107 concluded on January 15, 2021. *Close of Clock Phase Bidding in Auction 107 (3.7 GHz Service); Schedule for Assignment Phase Mock Auction; Availability of Assignment Phase User Guide and Online Tutorial; Assignment Phase Bidding Begins February 8, 2021*, AU Docket No. 20-25, Public Notice, DA 21-80 (OEA/WTB Jan. 26, 2021).

<sup>2</sup> “Gross bids” refers to the total of winning bid amounts 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 of winning bid amounts as adjusted for any small business or rural service provider bidding credits claimed by winning bidders.

<sup>3</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 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.

## II. AUCTION 107 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.

### A. Summary of Auction Results by Bidder

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

- Bidder (the name of the applicant qualified to bid in Auction 107);
- 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 PEAs (total number of PEAs in which the bidder won licenses);
- Gross Payment (aggregate amount of all winning bids by the bidder, including any assignment round payments); and
- Net Payment (gross payment less applicable discounts for any bidding credit claimed, subject to applicable caps, if any).

### B. Bidder Payments and Refunds

6. The Bidder Payment/Refund attachment, 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 107. Specifically, for each bidder, Attachment B provides the following information:

- Bidder (the name of the applicant qualified to bid in Auction 107);
- FRN (bidder's FCC Registration Number);
- Upfront Payment Amount;
- Net Payment (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 March 10, 2021 (down payment less upfront payment, with a minimum value of \$0);
- Final Payment Amount (80% of Net Payment); and

- Final Balance Due by March 24, 2021 or (Refund) (the Net Payment, minus the Upfront Payment Amount and any Additional Amount Due for Down Payment After Upfront Payment Applied).<sup>4</sup>

### 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 107. This information includes the price for the license as calculated by the auction system (gross and net), the PEA name and number, the frequency block of the license, 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.<sup>5</sup>

8. The final auction payments for winning bidders will be calculated with bidding credit caps and assignment payments applied on an aggregate basis, rather than to individual licenses. The bidding system will also calculate a “per-license” price for each license authorization, where a license authorization in this context may refer to a single assignment or a paired combination of an interim and a final assignment for different frequency blocks. Such individual prices may be needed in the event that a licensee subsequently incurs license-specific obligations, such as unjust enrichment payments.

9. After the assignment phase, the bidding system will determine a net and gross price for each license authorization (single or paired) that was won by a bidder by apportioning assignment payments and bidding credit discounts (only applicable for the net price) across all the licenses that the bidder won. To calculate the gross price for a given license in an assignment phase market with only blocks subject to the Phase II deadline (clock category ABC), the bidding system will apportion the assignment payment for the corresponding assignment phase market to the licenses that the bidder is assigned in that market in proportion to the final clock phase price of those blocks. In the case of an assignment phase market with two assignment categories (interim and final), the assignment payment for the final assignment will be apportioned to all the licenses that the bidder is assigned in that market, whereas the assignment payment for the interim assignment will be apportioned only to license authorizations that include an interim assignment for an A block.

10. To calculate the net price, the bidding system will first apportion any applicable bidding credit discounts to each assignment phase market in proportion to the gross payment for that market. Then, for each assignment phase market, the bidding system will apportion the assignment payment and the discount to licenses in proportion to the final clock phase prices of the licenses that the bidder is assigned for that market. Additional information about how per-license prices are calculated is provided in the *Auction 107 Assignment Phase Technical Guide*, available in the “Education” section of the Auction 107 website ([www.fcc.gov/auction/107](http://www.fcc.gov/auction/107)).

## III. POST-AUCTION DEADLINES AND PROCEDURES

### A. Down Payments—Due Before 6:00 p.m. ET on March 10, 2021

11. 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 March 10, 2021**, each winning bidder in

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<sup>4</sup> 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.

<sup>5</sup> The PRS can be accessed directly at [auctiondata.fcc.gov](http://auctiondata.fcc.gov) or from a link in the “Results” section of the Auction 107 website ([www.fcc.gov/auction/107](http://www.fcc.gov/auction/107)). The CSV file is accessible via the “Results by License” link of the “Assignment Phase” section of the PRS navigation bar for Auction 107.

Auction 107 must have on deposit with the Commission enough funds to cover the down payment on its winning bid(s).<sup>6</sup> 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 to meet this requirement must deposit additional funds to meet its required down payment.<sup>7</sup>

12. **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 March 10, 2021.** 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 March 10, 2021" 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).

13. 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 March 10, 2021, will be in default.<sup>8</sup>

**B. Final Payments—Due Before 6:00 p.m. ET on March 24, 2021**

14. Each winning bidder in Auction 107 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 March 24, 2021 or (Refund)" column of Attachment B.<sup>9</sup> **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 March 24, 2021, 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 April 7, 2021, along with the 5% late fee required by section 1.2109(a) of the Commission's rules to avoid default.**<sup>10</sup> 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).

15. 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 March 24, 2021 (or by 6:00 p.m. ET on April 7, 2021, along with the 5% late fee) will be in default.<sup>11</sup>

**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

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<sup>6</sup> 47 CFR § 1.2107(b); *Auction of Flexible-Use Service Licenses in the 3.7–3.98 GHz Band for Next-Generation Wireless Services; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 107; Bidding in Auction 107 Scheduled to Begin December 8, 2020*, AU Docket No. 20-25, Public Notice, 35 FCC Rcd 8404, 8468, para. 228 (2020) (*Auction 107 Procedures Public Notice*).

<sup>7</sup> 47 CFR § 1.2107(b).

<sup>8</sup> See Section III.D (Default and Disqualification Payments), below.

<sup>9</sup> See 47 CFR § 1.2109(a).

<sup>10</sup> *Id.*

<sup>11</sup> See Section III.D (Default and Disqualification Payments), below.

Managing Director's Revenue & Receivables Operations Group/Auctions at (202) 418-7518, [Scott.Radcliffe@fcc.gov](mailto:Scott.Radcliffe@fcc.gov), or Theresa Meeks at (202) 418-2945, [Theresa.Meeks@fcc.gov](mailto:Theresa.Meeks@fcc.gov), well in advance of the applicable deadlines.

17. All payments must be in U.S. dollars and made in the form of a wire transfer.<sup>12</sup> 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.<sup>13</sup>

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. Each winning bidder should direct its financial institution(s) to monitor carefully its wire transfer(s) to assure timely deposit in the correct account. As a regulatory requirement, the U.S. Treasury screens all payments from all financial institutions before deposits are made available to specified accounts. If wires are suspended, the U.S. Treasury may direct questions regarding any transfer to the financial institution initiating the wire. Each winning bidder must take care to assure that any questions directed to its financial institution(s) are addressed promptly. To receive confirmation from Commission staff regarding receipt and deposit of wire transfers, a winning bidder may contact Scott Radcliffe at (202) 418-7518, [Scott.Radcliffe@fcc.gov](mailto:Scott.Radcliffe@fcc.gov), or Theresa Meeks at (202) 418-2945, [Theresa.Meeks@fcc.gov](mailto: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.**<sup>14</sup> 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:

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<sup>12</sup> The wire transfer must be initiated by the winning bidder through its bank authorizing the bank to wire funds to the proper account at the U.S. Treasury.

<sup>13</sup> 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).

<sup>14</sup> 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**

45 L Street, NE, 3<sup>rd</sup> Floor

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: (“D107”)

**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](mailto:Scott.Radcliffe@fcc.gov), or Theresa Meeks at (202) 418-2945, [Theresa.Meeks@fcc.gov](mailto: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.<sup>15</sup>

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 reason), the defaulting bidder will be subject to the payment obligations described in section 1.2104(g)(2) of the Commission’s rules.<sup>16</sup> In Auction 107, the “defaulted bid” or “applicable bid” for purposes of this rule is the per-license price.<sup>17</sup> These payment obligations include a deficiency payment and an additional payment amount. The deficiency payment component applies only in the event that the subsequent winning bid the next time a license covering the same spectrum is won in an auction is less than the defaulted bid. The deficiency payment amount is equal to the difference between the amount of the defaulter’s bid and the amount of the subsequent winning bid. The additional payment amount is owed by each defaulting bidder and is equal to a percentage of the defaulter’s bid or the subsequent winning bid, whichever is less.<sup>18</sup> The additional default payment for Auction 107 licenses was set at 15% of the applicable bid.<sup>19</sup>

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<sup>15</sup> See 47 CFR §§ 1.2104(g), 1.2109.

<sup>16</sup> *Id.* § 1.2104(g)(2); see also *id.* § 1.2109; *Auction 107 Procedures Public Notice*, 35 FCC Rcd at 8470, para. 236.

<sup>17</sup> See *Auction 107 Procedures Public Notice*, 35 FCC Rcd at 8470, para. 237 n.371; Section II.C (Results by License), above.

<sup>18</sup> 47 CFR § 1.2104(g)(2); see also *id.* § 1.2109; *Auction 107 Procedures Public Notice*, 35 FCC Rcd at 8470, para. 236.

<sup>19</sup> *Auction 107 Procedures Public Notice*, 35 FCC Rcd at 8470, para. 237.

23. If a winning bidder fails to remit the required down payment by the March 10, 2021 deadline specified in this Public Notice, the bidder will be deemed to have defaulted, its long-form application will be dismissed, and it will be liable for a default payment as described above.<sup>20</sup>

24. If a winning bidder fails to pay the balance of its winning bid(s) 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.<sup>21</sup> A winning bidder that fails to pay (a) the balance due for its winning bid(s) by the payment deadline on March 24, 2021, and (b) the balance of its winning bid(s) plus the late fee by the late payment deadline on April 7, 2021, will be deemed to have defaulted, and will be subject to applicable default payments.<sup>22</sup>

25. The Commission will review an applicant's long-form application (FCC Form 601) only after receipt of full and timely payment for its 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.<sup>23</sup>

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.<sup>24</sup>

#### **E. Refund of Excess Payments**

27. Upfront payment monies on deposit with the Commission that are in excess of an applicant's Auction 107 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.

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](mailto:RROGWIREFAXES@fcc.gov).

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<sup>20</sup> 47 CFR §§ 1.2104(g)(2), 1.2109(b).

<sup>21</sup> *Id.* § 1.2109(a).

<sup>22</sup> *Id.* §§ 1.2104(g)(2), 1.2109(a), (c).

<sup>23</sup> *See id.* § 1.2109(a).

<sup>24</sup> *Id.* § 1.2109(d).



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](mailto:Scott.Radcliffe@fcc.gov), or Theresa Meeks at (202) 418-2945, [Theresa.Meeks@fcc.gov](mailto: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 March 10, 2021**

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 107 before **6:00 p.m. ET on March 10, 2021**.

32. Instructions for completing the long-form application (FCC Form 601) are available on the Auction 107 website ([www.fcc.gov/auction/107](http://www.fcc.gov/auction/107)) 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.<sup>25</sup> Winning bidders organized as bidding consortia must comply with the FCC Form 601 post-auction application procedures set forth in section 1.2107(g) of the Commission’s rules.<sup>26</sup> For further information regarding long-form application filing requirements, including specific requirements for applicants requesting a bidding credit and for winning bidders organized as consortia, please see 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 shall be deemed to have defaulted and shall be subject to the payments set forth in section 1.2104(g) of the Commission’s rules.<sup>27</sup>

**G. Ownership Disclosure Information Report (FCC Form 602)**

34. 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.<sup>28</sup> As explained in the *Instructions for*

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<sup>25</sup> *Id.* § 1.2112(b).

<sup>26</sup> *Id.* § 1.2107(g); *Auction 107 Procedures Public Notice*, 35 FCC Rcd at 8469, para. 232; *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 No. 14-170 et al., 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)).

<sup>27</sup> 47 CFR § 1.2104(g); *see also id.* § 1.2107(c).

<sup>28</sup> *Id.* §§ 1.913, 1.919, 1.2107(f). By current Form 602 filing, we mean an FCC Form 602 filed after the FCC Form 175 deadline. If the most recent Form 602 filing predates the FCC Form 175 deadline, an applicant is responsible for filing an FCC Form 602 by the long-form application deadline regardless if the applicant’s ownership information is the same or if the applicant needs to file new or updated ownership information.



*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.<sup>29</sup> 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.

#### **H. Maintaining Accuracy of Information**

35. Now that Auction 107 has closed, all required changes to an Auction 107 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).<sup>30</sup> With the release of this Public Notice, an Auction 107 applicant is no longer required to maintain the accuracy and completeness of information furnished in its Auction 107 short-form application (FCC Form 175) and exhibits.

#### **I. Application Processing, Petitions to Deny, and License Grant**

36. 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.<sup>31</sup> An applicant may file an opposition to any petition to deny within five business days after the time for filing petitions to deny has expired.<sup>32</sup> Replies must be filed within five business days after the time for filing oppositions to a petition to deny has expired.<sup>33</sup> The Commission reminds all parties and their counsel that the Commission intends to use its authority fully to deter the filing of frivolous pleadings.<sup>34</sup>

37. 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.<sup>35</sup> 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.<sup>36</sup>

### **IV. OTHER IMPORTANT INFORMATION**

#### **A. Continuing Prohibition on Certain Communications**

38. 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 107.<sup>37</sup> Section 1.2105(c)(1) provides that, subject to specified exceptions,

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<sup>29</sup> 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*.

<sup>30</sup> See 47 CFR § 1.65.

<sup>31</sup> *Id.* § 1.2108(b).

<sup>32</sup> *Id.* § 1.2108(c).

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

<sup>34</sup> See *Commission Taking Tough Measures Against Frivolous Pleadings*, Public Notice, 11 FCC Rcd 3030 (1996).

<sup>35</sup> Commission staff may determine, for example, that a winning bidder is not entitled to the level of bidding credit that it has claimed and may require an additional payment to cover the amount of any percentage discount for which it was not eligible.

<sup>36</sup> See 47 CFR §§ 1.2108(d), 1.2109(a).

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[.]”<sup>38</sup> 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.<sup>39</sup>

39. This prohibition took effect as of the short-form application filing deadline, which for Auction 107 was Tuesday, September 22, 2020, at 6:00 p.m. ET, and ends at the post-auction down payment deadline for Auction 107, which is Wednesday, March 10, 2021 at 6:00 p.m. ET.<sup>40</sup> **This prohibition applies to all applicants regardless of whether such applicants became qualified bidders, or actually bid, in Auction 107.**<sup>41</sup> For further information on the prohibition, applicants should refer to the *Auction 107 Procedures Public Notice* and the *Auction 107 Qualified Bidders Public Notice*.<sup>42</sup>

#### **B. Access to the Bidding System**

40. The bidding system will remain accessible to Auction 107 qualified bidders until 12:00 noon ET on Wednesday, March 3, 2021. Bidders should download any files they wish to save from the bidding system before that time.

#### **C. Return of SecurID® Tokens**

41. The SecurID® tokens distributed to qualified bidders are tailored to Auction 107 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 March 10, 2021.

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

<sup>37</sup> *Id.* § 1.2105(c); *see also Auction 107 Procedures Public Notice*, 35 FCC Rcd at 8418, para. 41.

<sup>38</sup> 47 CFR § 1.2105(c)(1). The Commission identified AT&T, T-Mobile, and Verizon as “nationwide providers” for the purpose of implementing the Commission’s competitive bidding rules in Auction 107. *Auction 107 Procedures Public Notice*, 35 FCC Rcd at 8418, paras. 43-44.

<sup>39</sup> 47 CFR § 1.2105(c)(5)(i); *see also Auction 107 Procedures Public Notice*, 35 FCC Rcd at 8418, para. 42.

<sup>40</sup> *Auction 107 Procedures Public Notice*, 35 FCC Rcd at 8418, para. 44; *see also* 47 CFR § 1.2105(c)(1).

<sup>41</sup> *See Auction 107 Procedures Public Notice*, 35 FCC Rcd at 8418, para. 42 & n.82.

<sup>42</sup> *Auction 107 Procedures Public Notice*, 35 FCC Rcd at 8418-25, paras. 41-66; *Auction of Flexible-Use Service Licenses in the 3.7-3.98 GHz Band; 57 Applicants Qualified to Bid in Auction 107*, AU Docket No. 20-25, Public Notice, 35 FCC Rcd 12829, 12838-39, paras. 51-55 (OEA/WTB 2020) (*Auction 107 Qualified Bidders Public Notice*).

**D. Contact Information**

42. 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](mailto: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**

Anna Gentry at (202) 418-7769

Form 601 and 602 inquiries

Justin McCuen at (202) 418-0916

Filing Forms 601 and 602

**ULS Support Hotline**

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

**Auction 107 Information**

General Auction Information, Process, and  
Procedures

**Auctions Division, OEA**

FCC Auctions Hotline at (717) 338-2868

Auction Rules, Policies, and Regulations

Erik Beith or  
Daniel Habif 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](mailto:fcc504@fcc.gov)

**FCC Internet Sites**

[www.fcc.gov/auction/107](http://www.fcc.gov/auction/107)  
[www.fcc.gov](http://www.fcc.gov)  
[www.fcc.gov/uls](http://www.fcc.gov/uls)  
[auctiondata.fcc.gov](http://auctiondata.fcc.gov)

**News Media**

For Press Questions

**Wireless Telecommunications Bureau**

Cecilia Sulhoff at (202) 418-0587

- FCC -