



Federal Communications Commission
Washington, D.C. 20554

December 16, 2022

DA 22-1326

Via Email and Certified Mail, Return Receipt Requested

Golden Arrow Paging, Inc.
Attn: Charles LaCroix
2125 Sidney Baker
Kerrville, TX 78028

**Re: Final Default Payment Amount for two Auction 40 Licenses – CP-BEA085-FA
(Lafayette, LA) and CP-BEA086-FA (Lake Charles, LA)**

DO NOT DISCARD THIS IMPORTANT NOTICE
OF A DEMAND FOR PAYMENT
OF A DEBT OWED THE UNITED STATES AND ORDER OF PAYMENT

Dear Mr. LaCroix:

This Order provides notice of the final default payment amount of Golden Arrow Paging, Inc. (Golden Arrow) with respect to its default on two licenses it won in Auction 40, and provides notice that the Golden Arrow's interim default payment has been applied to satisfy its final default payment obligation. Golden Arrow was the winning bidder for twenty-two lower and upper paging band licenses, including CP-BEA085-FA (Lafayette, LA) and CP-BEA086-FA (Lake Charles, LA) (the Lafayette and Lake Charles Licenses), in Auction 40. After the close of Auction 40, Golden Arrow defaulted on its final payment obligation for all twenty-two of these licenses.¹

In 2007, the Commission assessed an interim default payment of \$1,770.00 for all twenty-two licenses from the monies Golden Arrow had on deposit.² New licenses for the spectrum were offered in a subsequent auction of lower and upper paging bands (Auction 87). Licenses corresponding to the spectrum associated with fifteen of the twenty-two defaulted licenses received a winning bid in Auction 87.³ Accordingly, the Commission was able to calculate that Golden Arrow's final default payment obligation for those 15 licenses was \$25,011.50.⁴ New licenses for the spectrum associated with the remaining seven licenses were then offered in another auction of lower and upper paging bands (Auction 95) with total net winning bids of \$1,480.00.⁵ Accordingly, the Commission is now able to

¹ See *Notice of Auction 40 Interim Default Payment Obligations of Golden Arrow Paging, Inc.*, Letter Order, 22 FCC Rcd 14069 (ASAD-WTB 2007) (*Interim Payment Letter*).

² *Interim Payment Letter*, 22 FCC Rcd at 14071.

³ See *Auction of Lower and Upper Paging Bands Licenses Closes, Winning Bidders Announced for Auction 87*, Public Notice, 25 FCC Rcd 18164, 18487, Attach. D (WTB 2010).

⁴ See *Notice of Auction 40 Final Default Payment Obligations of Golden Arrow Paging, Inc.*, 27 FCC Rcd 2845, 2845-46 (ASAD-WTB 2007) (*First Final Default Payment Letter*); see 47 CFR § 1.2104(g)(2).

⁵ See *Auction of Lower and Upper Paging Bands Licenses Closes; Winning Bidders Announced for Auction 95*, Public Notice, 28 FCC Rcd 11848, 12146 (WTB 2013).

calculate Golden Arrow's final default payment obligation with respect to the Lafayette and Lake Charles Licenses.⁶

Under the Commission's rules, at the close of the auction, a winning bidder assumes a binding obligation to pay the full amount of its accepted winning bid.⁷ A bidder who defaults on that obligation or is disqualified is considered to be a defaulting bidder under the Commission's rules and is subject to a default payment.⁸ The default payment has two components: a deficiency payment and an additional payment amount.⁹ The deficiency payment component applies only if the subsequent winning bid, the next time a construction permit for the allotment is won, is less than the defaulted bid. The deficiency payment amount is the difference between the bidder's net defaulted bid and the subsequent net winning bid, or the difference between the bidder's gross defaulted bid and the subsequent gross winning bid, whichever is less.¹⁰ The additional payment amount is owed by each defaulting bidder.¹¹ Under the Commission's rules applicable to Auction 40, the additional payment amount is equal to three percent (3%) of the defaulter's bid, or of the subsequent winning bid, whichever is less.¹²

As shown in Attachment A, and in accordance with section 1.2104(g)(2) of the Commission's rules, we have completed the final default payment calculation for the Lafayette and Lake Charles Licenses and, after applying the pro rata portion of the interim default payment attributable to the Lafayette and Lake Charles Licenses, have determined that Golden Arrow owes no additional amount for its default on the Lafayette and Lake Charles Licenses.¹³

Ordering Clauses

Accordingly, IT IS ORDERED that, under sections 4(i) and 309 of the Communications Act of 1934 as amended, 47 U.S.C. §§ 154(i), 309, and section 1.2104(g)(2) of the Commission's rules, 47 CFR § 1.2104(g)(2), Golden Arrow Paging, Inc., is ASSESSED a final default payment obligation as computed in Attachment A.

⁶ 47 CFR § 1.2104(g)(2). Until new licenses for the relevant spectrum associated with the five remaining defaulted licenses are won in a subsequent auction, the Commission cannot determine the full amount of the default payment that is owed for those licenses. Once a subsequent winning bid for the relevant spectrum is established, the remaining amount owed by Golden Arrow, if any, will then be assessed.

⁷ *Id.*

⁸ 47 CFR §§ 1.2104(g)(2), 1.2109.

⁹ 47 CFR § 1.2104(g)(2).

¹⁰ 47 CFR § 1.2104(g)(2)(i).

¹¹ 47 CFR § 1.2104(g)(2).

¹² 47 CFR § 1.2104(g)(2) (2001); *see also Lower and Upper Paging Banks Auction Scheduled for June 26, 2001; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments and Other Procedural Issues*, Public Notice, 16 FCC Rcd 7657, 7696 (WTB 2001).

¹³ In the *First Final Default Payment Letter*, the Commission withheld \$150.00 of the funds Golden Arrow then had on deposit with the Commission, as an interim default payment for the remaining seven licenses. We will now apply \$30 of that interim default payment to satisfy the final default payment for these two licenses and withhold the remaining \$120.00 as the interim default payments for the five remaining licenses that have not yet received winning bids in a subsequent auction. The remaining \$30.00 will be applied to satisfy Golden Arrow's outstanding balance for the Lafayette and Lake Charles Licenses.

IT IS FURTHER ORDERED that, under sections 1.2104 and 1.2106 of the Commission's rules, 47 CFR §§ 1.2104 and 1.2106, Golden Arrow Paging, Inc.'s interim payment be applied towards the final default payment obligation.

IT IS FURTHER ORDERED that this Order be sent to Golden Arrow Paging, Inc. and its representatives by certified mail, return receipt requested. This action is taken in accordance with authority delegated by sections 0.21(m) and 0.271 of the Commission's rules, 47 CFR §§ 0.21(m), 0.271.

Sincerely,

Gary D. Michaels
Deputy Chief, Auctions Division
Office of Economics and Analytics

Attachment

ATTACHMENT A

Multi-Auction Default Payment Report

License	Defaulted Gross Bid Auction 40	Defaulted Net Bid Auction 40	Re- auction Gross Bid Auction 95	Re- auction Net Bid Auction 95	3% Payment	Lower Difference Payment	Final Payment
CP-BEA085- FA (Lafayette, LA)	\$500.00	\$500.00	\$810.00	\$810.00	\$15.00	\$0.00	\$15.00
CP-BEA086- FA (Lake Charles, LA)	\$500.00	\$500.00	\$670.00	\$670.00	\$15.00	\$0.00	\$15.00

Total Final Default Payment	\$30.00
Less Interim Default Payment	\$30.00
Outstanding Balance	\$0.00