



PUBLIC NOTICE

Federal Communications Commission
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DA 22-616

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AUCTION OF FLEXIBLE-USE LICENSES IN THE 2.5 GHz BAND FOR NEXT-GENERATION WIRELESS SERVICES

STATUS OF APPLICATIONS TO PARTICIPATE IN AUCTION 108

AU Docket No. 20-429

1. By this Public Notice, the Office of Economics and Analytics (OEA) and the Wireless Telecommunications Bureau (WTB) announce the status of 93 short-form applications received for Auction 108.¹ Auction 108 will offer new flexible-use geographic overlay licenses in the 2.5 GHz band.² Bidding in Auction 108 is scheduled to begin on July 29, 2022. This Public Notice also provides important information regarding the modification and resubmission of short-form applications and reminds applicants of deadlines and certain procedures adopted for Auction 108.

I. SHORT-FORM APPLICATIONS AND UPFRONT PAYMENTS

A. Status of Short-Form Applications

2. The short-form applications (FCC Forms 175) to participate in Auction 108 have been reviewed for completeness and compliance with the Commission’s rules. The applications have been classified into the two categories set forth below:

Complete39 applications
Incomplete.....54 applications

3. **Complete Applications.** Attachment A to this Public Notice lists the short-form applications for Auction 108 that have been accepted for filing and designated as complete. Each of these applicants will become a qualified bidder upon receipt by the Commission of the required upfront payment by the June 23, 2022, deadline described below.³ Each applicant must maintain the accuracy of its short-form application as required by sections 1.65 and 1.2105(b) of the Commission’s rules.⁴

4. Designation of an application as complete indicates the applicant has provided the certifications and basic information concerning its qualifications that are required by the Commission’s competitive bidding rules for participation in the auction. This designation, however, is not determinative

¹ A copy of this Public Notice will be sent by email and overnight delivery to the contact person listed on the FCC Form 175 for each Auction 108 applicant.

² See *Auction of Flexible-Use Licenses in the 2.5 GHz Band for Next-Generation Wireless Services; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 108; Bidding Scheduled to Begin July 29, 2022*, AU Docket No. 20-429, Public Notice, FCC 22-24 (OEA/WTB 2022) (modified by Erratum (OEA/WTB Apr. 1, 2022)) (*Auction 108 Procedures Public Notice*).

³ See Section I.B (Upfront Payments), below; see also 47 CFR § 1.2106.

⁴ 47 CFR §§ 1.65, 1.2105(b). Important information about this continuing obligation is found at Section III.B, “Duty to Maintain Accurate Information in Short-Form Applications,” below.

of an applicant's qualifications to hold a Commission license or of its entitlement to a bidding credit. Under the Commission's two-phased auction application process, a winning bidder must submit a long-form application after the close of the auction to demonstrate its qualifications to hold a Commission license and, if a bidding credit is requested, its eligibility for the bidding credit.⁵ In the event that an applicant is found unqualified to be a Commission licensee, or ineligible for claimed designated entity benefits, it will be liable for any obligations incurred as a result of its participation in the auction.⁶

5. **Incomplete Applications.** Attachment B to this Public Notice lists the short-form applications for Auction 108 that have been accepted for filing but were found to be incomplete or otherwise deficient. Each of these applicants will receive a letter identifying each deficiency in its application. This letter will be sent to the contact person at the contact address listed on its application. To become a qualified bidder for Auction 108, each applicant must resubmit its application, having corrected any deficiencies, and make the required upfront payment by the June 23, 2022, deadline. Each applicant must also maintain the accuracy of its application as required by sections 1.65 and 1.2105(b) of the Commission's rules.⁷

6. As a reminder, Commission staff will communicate only with an applicant's contact person or certifying official, as designated on the applicant's FCC Form 175, 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.⁸ Authorizations may be sent by email to auCTION108@fcc.gov.

B. Upfront Payments

7. Upfront payments for Auction 108 are due in the proper account at the U.S. Treasury **before 6:00 p.m. Eastern Time (ET) on Thursday, June 23, 2022.** In order to meet the Commission's upfront payment deadline, an applicant's payment must be credited to the Commission's account by the deadline. **Payments must be made by wire transfer in accordance with the instructions provided in the *Auction 108 Procedures Public Notice*.**⁹ No other payment method is acceptable for this auction.¹⁰ Each applicant is reminded to provide its FCC Registration Number (FRN) on the FCC Remittance Advice Form (FCC Form 159) and to submit the same FRN with all future payments for Auction 108. At least one hour before placing the order for the wire transfer (but on the same business day), each applicant must submit a completed FCC Form 159 to the Commission by fax to (202) 418-2843, or by email to RROGWireFaxes@fcc.gov.

8. Each applicant is responsible for timely submitting its upfront payment and filing an accurate and complete FCC Form 159.¹¹ An applicant should coordinate with its financial institution well

⁵ 47 CFR §§ 1.2107, 1.2109; *see also Implementation of Section 309(j) of the Communications Act – Competitive Bidding*, PP Docket No. 93-253, Second Report and Order, 9 FCC Rcd 2348, 2376-77, paras. 163-68 (1994).

⁶ *See generally* 47 CFR § 1.2109.

⁷ *Id.* §§ 1.65, 1.2105(b).

⁸ 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 175 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 FCC Form 175. *See* Section II.B (Delivery of Registration Materials to Qualified Bidders), below.

⁹ *See Auction 108 Procedures Public Notice* at 49-52, paras. 145-52.

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

¹¹ Each applicant may access an electronic pre-filled version of the FCC Form 159 through the FCC auction application system. *See Auction 108 Procedures Public Notice* at 49, para. 144. Alternatively, applicants can find detailed instructions for completing FCC Form 159 in connection with Auction 108 upfront payments in the *Auction 108 Procedures Public Notice*. *See id.* at 51-52, paras. 151-52.

ahead of the due date regarding its wire transfer and allow sufficient time for the wire transfer to be initiated and completed prior to the deadline. The Commission has repeatedly cautioned auction participants about the importance of planning ahead to prepare for unforeseen last-minute difficulties in making payments by wire transfer.¹² **Each applicant should obtain confirmation from its financial institution that its wire transfer to the U.S. Treasury was successful and from Commission staff that its upfront payment was timely received and was deposited into the proper 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 applicant must take care to assure that any questions directed to its financial institution(s) are addressed promptly. For confirmation from the Commission, an applicant may contact Scott Radcliffe or Theresa Meeks of the Office of Managing Director's Revenue & Receivables Operations Group/Auctions using the contact information listed at the end of this Public Notice. Detailed information regarding submitting an upfront payment can be found in Section III.F of the *Auction 108 Procedures Public Notice*.¹³

C. Short-Form Application Changes and Resubmission

9. An applicant whose application for Auction 108 has been identified as incomplete, as noted in Attachment B to this Public Notice, must address each defect in its application during the resubmission window, which is now open.¹⁴ Any short-form application corrections must be made electronically using the FCC's auction application system. Corrected applications must be submitted **before 6:00 p.m. ET on Thursday, June 23, 2022**. This will be the only opportunity to cure application defects, and late resubmissions will not be accepted. An applicant that filed an application deemed to be incomplete must submit a timely and sufficient upfront payment before the Commission will review its resubmitted application. If an application is incomplete or otherwise deficient after the resubmission deadline has passed, or if the required upfront payment is not made by the specified deadline, the applicant will not be permitted to bid in Auction 108.

10. During the resubmission window, an applicant may log in to the FCC's auction application system and make certain changes to its application.¹⁵ An applicant can view all the contents of its application, but the FCC Form 175 will not permit an applicant to make changes to its license area selections or to the following data fields: applicant name, legal classification, certifier, or bidding credit. Administrative and minor changes can be made, including, for example, deletion and addition of authorized bidders (to a maximum of three), revision of addresses and telephone numbers of the applicant and its contact person, and changes to responsible party. While changes can be made to ownership and agreement information, we remind each applicant that any application changes must comply with the Commission's rules, which prohibit, among other things, changes in ownership that would constitute an assignment or transfer of control, as well as agreements that would constitute violations of section

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

¹³ See *Auction 108 Procedures Public Notice* at 49-55, paras. 144-61.

¹⁴ See 47 CFR § 1.2105(b)(2).

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

1.2105(c).¹⁶ If an application is changed to effect a major amendment, such as a change in control, the applicant will be ineligible to bid in Auction 108.¹⁷

II. OTHER IMPORTANT AUCTION 108 INFORMATION

A. Announcement of Qualified Bidders

11. Following Commission review of resubmitted short-form applications and the correlation of upfront payments and applications, a public notice listing all applicants qualified to bid in Auction 108 will be released. This same public notice will also include bidding schedules for the mock auction and the first day of bidding in the auction.

B. Delivery of Registration Materials to Qualified Bidders

12. All qualified bidders are automatically registered for the auction.¹⁸ Registration materials will be sent by overnight delivery to the contact person listed on each qualified bidder's FCC Form 175. We ask each applicant to make sure that the contact address provided in its short-form application is accurate and is a location capable of accepting packages that will 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 175. The RSA token will allow each authorized bidder to log in and access the FCC auction bidding system in order to participate in the mock auction and place bids in Auction 108. 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 its application.

III. APPLICANTS' CONTINUING OBLIGATIONS

A. Authorized Bidder FCC Username Account

13. Applicants are reminded that each authorized bidder in Auction 108 must have a unique email address associated with an FCC Username Account that is linked to the applicant's FCC Registration Number (FRN) in the Commission Registration System (CORES).¹⁹ If an applicant does not provide such an email address for an authorized bidder in the applicant's FCC Form 175, that bidder will not be able to log into the FCC Auction Bidding System and will not be able to submit bids.²⁰ Each applicant that has not met this requirement for each of its authorized bidders will receive a letter identifying each authorized bidder that is deficient in its application. This letter will be sent to the contact person at the contact address listed on its application, along with a copy of this Public Notice.

NOTE: Each applicant is responsible for ensuring compliance with this requirement for any changes made to its authorized bidders throughout the auction.

14. To register a Username Account for an authorized bidder and associate or link it to the applicant's FRN, please visit CORES at apps.fcc.gov/cores. To view step-by-step instructions on

¹⁶ See 47 CFR § 1.2105(b), (c). For more information on making administrative changes to an existing application, see *Auction 108 Procedures Public Notice* at 42-44, paras. 114-22. See also *FCC Form 175 Filing Instructions for Auction 108* (Mar. 21, 2022), which is available under the Education tab of the Auction 108 website at www.fcc.gov/auction/108.

¹⁷ *Id.* § 1.2105(b)(2); 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).

¹⁸ *Auction 108 Procedures Public Notice* at 55, para. 162.

¹⁹ *Auction 108 Procedures Public Notice* at 15-16, para. 35. This requirement is part of the Commission's decommissioning of legacy CORES and transiting of its various online systems to the current version of CORES. See *Office of Managing Director Will Decommission Legacy Commission Registration System on July 15, 2022*, Public Notice, MD Docket No. 10-234, DA 22-508 (MD May 27, 2022).

²⁰ See FCC Form 175 Instructions for Auction 108.

registering a new Username Account, please visit apps.fcc.gov/cores/html/Register_New_Account.htm. Once the authorized bidder's FCC Username Account has been verified, the authorized bidder can then associate the FCC Username Account to the applicant's existing FRN by logging into the FCC Username Account at apps.fcc.gov/cores. To view step-by-step instructions on associating an FCC Username Account to the applicant's existing FRN, please visit apps.fcc.gov/cores/html/Associate_Username_to_FRN.htm.

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

15. We remind applicants that sections 1.65 and 1.2105(b) of the Commission's rules require an applicant to maintain the accuracy and completeness of information furnished in its pending short-form application to participate in Auction 108.²¹ 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.²² All changes are subject to review by Commission staff.

16. An applicant that needs to make permissible minor changes to its FCC Form 175 or that must make changes in order to maintain the accuracy and completeness of its short-form application during a time when the FCC auction application system is available to the applicant for purposes of making the type of change(s) required should make such changes to its FCC Form 175 electronically using the FCC auction application system. Between the closing of the resubmission filing window and the release of the public notice announcing qualified bidders for Auction 108, the only changes an applicant can make using the FCC auction application system are changes to its address, responsible party information, and contact information.²³ For all other application changes prior to the release of the public notice announcing qualified bidders for Auction 108, an applicant must submit a letter briefly summarizing the changes to its FCC Form 175 by email to auction108@fcc.gov to the attention of the Auctions Division Chief, Office of Economics and Analytics.²⁴ An applicant must not submit application-specific material through the Commission's Electronic Comment Filing System.

17. 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 108, applicants should refer to the *Auction 108 Procedures Public Notice*.²⁵

C. Due Diligence

18. We remind each potential bidder that it is solely responsible for investigating and evaluating all legal, technical, and marketplace factors and risks associated with the licenses that it is seeking in Auction 108; evaluating the degree to which those factors and risks may have a bearing on the value of the licenses being offered and/or affect the bidder's ability to bid on, otherwise acquire, or make

²¹ 47 CFR §§ 1.65, 1.2105(b).

²² *Id.* § 1.2105(b)(4).

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

²⁴ The letter summarizing the changes must include a subject or caption referring to Auction 108 and the name of the applicant, for example, "Re: Changes to Auction 108 Application of XYZ Corp." Any attachments to the 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.

²⁵ See *Auction 108 Procedures Public Notice* at 42, para. 115; see also 47 CFR §§ 1.65, 1.2105(b). Questions about FCC Form 175 amendments should be directed to the Auctions Division at (202) 418-0660 or by email to auction108@fcc.gov.

use of such licenses; and conducting any technical analyses necessary to assure itself that, if it wins any license(s), it will be able to build and operate facilities in accordance with the Commission's rules.²⁶ In addition, each potential bidder's due diligence efforts should include, among other things: (1) reviewing all Commission orders and public notices establishing rules and policies for the licenses in the 2.5 GHz band; (2) conducting research to determine the existence of any pending administrative or judicial proceedings that might affect its decision to participate in the auction;²⁷ (3) performing (or refreshing previous) technical analyses; and (4) inspecting any prospective transmitter sites located in, or near, the service area for which it plans to bid and confirming the availability of such sites and their conformance with applicable federal, state, and local land use requirements.²⁸ Applicants in Auction 108 must also carefully consider potential encumbrances in the 2.5 GHz band due to existing licenses and pending applications. In particular, there will be a substantial number of licenses in inventory where the amount of unassigned area or unassigned spectrum is very small. For a substantial number of licenses, the area with unassigned spectrum is smaller than one square mile. Each applicant should carefully research the existence of incumbent licenses and the technical and economic implications for commercial use of the 2.5 GHz band.²⁹ 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 108 should continue such due diligence throughout the auction.

19. The Commission makes no representations or warranties about the use of this spectrum or these licenses for particular services. Each applicant should be aware that a Commission auction represents an opportunity to become a Commission licensee, subject to certain conditions and regulations. A Commission auction does not constitute an endorsement by the Commission of any particular service, technology, or product, nor does a Commission license constitute a guarantee of business success. For further details regarding due diligence, please refer to the *Auction 108 Procedures Public Notice*.³⁰

D. Prohibition of Certain Communications

20. 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 108.³¹ Section 1.2105(c)(1) provides that, subject to specified exceptions, after the deadline for filing a short-form application, "all applicants are prohibited from cooperating or collaborating with respect to, communicating with or disclosing, to each other or any nationwide provider [of communications services] that is not an applicant, or, if the applicant is a nationwide provider, any non-nationwide provider that is not an applicant, in any manner the substance of their own, or each other's, or any other applicants' bids or bidding strategies (including post-auction market structure), or discussing or negotiating settlement agreements, until after the down payment deadline[.]"³² An

²⁶ See *Auction 108 Procedures Public Notice* at 44-45, paras. 123-28.

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

²⁸ See, e.g., 47 U.S.C. §§ 332(c)(7), 1455(a); see also *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket No. 17-79, Second Report and Order, 33 FCC Rcd 3102 (2018) (amending the Commission's rules concerning the types of deployments that are subject to review pursuant to NHPA and NEPA).

²⁹ As always, the burden is on the potential bidder to determine how much research to undertake, depending upon the specific facts and circumstances related to its interests. For example, applicants should pay particular attention to the results of applications filed in the Rural Tribal Priority Window, which will determine the final inventory of licenses available for bidding in Auction 108. See *Auction 108 Procedures Public Notice* at 45, para. 126.

³⁰ See *Auction 108 Procedures Public Notice* at 44-45, paras. 123-28.

³¹ 47 CFR § 1.2105(c); see also *Auction 108 Procedures Public Notice* at 23, paras. 59-60.

“applicant” for purposes of this rule includes all “controlling interests” in the entity submitting the FCC Form 175, as well as all holders of interests amounting to 10% or more of the entity, and all officers and directors of that entity.³³ AT&T, T-Mobile, and Verizon are considered “nationwide providers” for purposes of this rule in Auction 108.³⁴

21. This prohibition took effect as of the short-form application filing deadline, which for Auction 108 was Tuesday, May 10, 2022, at 6:00 p.m. ET, and it will end at the post-auction down payment deadline for Auction 108, which will be announced in a future public notice.³⁵ **This prohibition applies to all applicants regardless of whether such applicants become qualified bidders, intend to, and/or actually do bid in Auction 108.**³⁶ For further information on the prohibition, applicants should refer to the *Auction 108 Procedures Public Notice*.³⁷

22. *Disclosure Obligations.* Section 1.2105(c)(4) requires each auction applicant that makes or receives a communication that appears to violate section 1.2105(c) to report the communication in writing to the Commission immediately, but in no case later than five business days after the communication occurs.³⁸ Each applicant’s obligation to report any such communication continues beyond the five-day period after the communication is made, even if the report is not made within the five-day period.³⁹

23. *Reporting Prohibited Communication.* Any party reporting any communication pursuant to sections 1.65, 1.2105(a)(2), or 1.2105(c)(4) must take care to ensure that the report does not itself give rise to a violation of section 1.2105(c). To minimize the risk of inadvertent dissemination of a report of a potential prohibited communication, section 1.2105(c)(6) requires a party to file only a single report with the Auctions Division Chief.⁴⁰ For Auction 108, any such report must be filed according to the instructions set forth in the *Auction 108 Procedures Public Notice*.⁴¹

24. *Possible Sanctions.* Any applicant found to have violated section 1.2105(c) of the Commission’s rules may be subject to sanctions.⁴² In addition, we remind each applicant that it is subject to the antitrust laws, which are designed to prevent anti-competitive behavior in the marketplace.⁴³ If an applicant is found to have violated the antitrust laws or the Commission’s rules in connection with its participation in the competitive bidding process, it may be subject to forfeiture of its upfront payment, down payment, or full bid amount, and it may be prohibited from participating in future auctions, among other sanctions.⁴⁴

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³² 47 CFR § 1.2105(c)(1).

³³ *Id.* § 1.2105(c)(5)(i); *see also Auction 108 Procedures Public Notice* at 23, para. 60.

³⁴ *Auction 108 Procedures Public Notice* at 24, para. 61.

³⁵ *Id.* at 24, para. 62; *see also* 47 CFR § 1.2105(c)(1).

³⁶ A party that submits an auction application becomes an “applicant” under the rule at the application filing deadline, and that status does not change based on subsequent developments. *See Auction 108 Procedures Public Notice* at 23, para. 60 n.142.

³⁷ *Id.* at 23-30, paras. 59-84.

³⁸ 47 CFR § 1.2105(c)(4); *see also Auction 108 Procedures Public Notice* at 28, para. 77.

³⁹ *Auction 108 Procedures Public Notice* at 28, para. 77; *see also* 47 CFR § 1.2105(c)(4).

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

⁴¹ *See Auction 108 Procedures Public Notice* at 28-29, paras. 78-80.

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

⁴³ *See Auction 108 Procedures Public Notice* at 29-30, paras. 83-84.

⁴⁴ *See* 47 CFR § 1.2109(d).

E. Limited Information Procedures

25. We remind applicants that, under the limited information procedures in effect for Auction 108 (sometimes also referred to as anonymous bidding), the Commission is withholding from public release, until after the close of bidding in Auction 108, any information that may indicate specific applicants' interests in the auction—including, among other things, license area selections, upfront payments and bidding eligibility information, and the identities of bidders placing bids or taking other bidding-related actions.⁴⁵ Accordingly, communication with other applicants or public disclosure of such non-public information may violate the Commission's limited information procedures and the rule prohibiting certain communications, section 1.2105(c) of the Commission's rules.⁴⁶

26. Therefore, applicants must take care not to communicate non-public information to the public, financial analysts, or the press.⁴⁷ Examples of communications raising concern, given the limited information procedures in effect for Auction 108, would include an applicant's statement to the press or other public statement (for example, a statement on social media) about its upfront payment or bidding eligibility, an applicant's statement to the press or other public statement that it is or is not interested in bidding in the auction, or an applicant's statement to the press or other public statement prior to the down payment deadline that it is the winning bidder in any particular geographic areas.

F. Submission of Auction-Related Filings

27. A party wishing to submit a request, a complaint, or other information concerning Auction 108 should, in addition to following other procedures prescribed by the Commission's rules, send a copy by email to auCTION108@fcc.gov to the attention of the Auctions Division Chief. 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.

G. Ex Parte Rule

28. Applicants should also be aware that the Commission has generally treated mutually exclusive short-form applications as exempt proceedings and, therefore, not subject to the *ex parte* prohibitions that pertain to restricted proceedings.⁴⁸

IV. CONTACT INFORMATION

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

⁴⁵ See *Auction 108 Procedures Public Notice* at 22-23, paras. 53-58.

⁴⁶ 47 CFR § 1.2105(c); *Auction 108 Procedures Public Notice* at 23, para. 58.

⁴⁷ The Commission has long expressed the concern that applicants should use caution in their dealings with other parties, such as members of the press, financial analysts, or others who might become a conduit for the communication of non-public information relating to auctions. 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.").

⁴⁸ See *Commission Announces that Mutually Exclusive "Short Form" Applications (Form 175) to Participate in Competitive Bidding Process ("Auctions") Are Treated as Exempt for Ex Parte Purposes*, Public Notice, 9 FCC Rcd 6760 (1994); see also 47 CFR § 1.1202(d)(1) Note 1.

30. Additional information for applicants is available at the Auction 108 web page: www.fcc.gov/auction/108.

31. For further information concerning Auction 108, contact:

General Auction Information

General Auction Questions

FCC Auctions Hotline

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

Auction 108 Process and Procedures

Bidding Procedures
Auction Schedule

Auctions Division, OEA

Auctions Hotline (717) 338-2868

Auction 108 Legal Information

Auction Rules, Policies, Regulations, including
Reports Pursuant to Section 1.2105(c) and
Application Modifications

Auctions Division, OEA

(202) 418-0660
Lyndsey Grunewald (Attorney)
Scott Mackoul (Attorney)

2.5 GHz Band Licensing Information

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

Broadband Division, WTB

(202) 418-2487
Madelaine Maior (Attorney)
Nadja Sodos-Wallace (Attorney)

Technical Support

Hardware/Software Issues with Electronic Filing

FCC Auctions Technical Support Hotline

(877) 480-3201, option nine; or (202) 414-1250
(202) 414-1255 (TTY)
Hours of service: 8:00 a.m. – 6:00 p.m. ET,
Monday through Friday

For FRN Username and Password Questions

(877) 480-3201, option 1
Hours of service: 8:00 a.m. – 6:00 p.m. ET,
Monday through Friday

Payment Information

Instructions for Wiring Upfront Payments and
Completing Form 159

**FCC Revenue & Receivables Operations
Group/Auctions**

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

Press Information

Office of Media Relations

Anne Veigle
(202) 418-0500

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

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