



# PUBLIC NOTICE

**Federal Communications Commission**  
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## AUCTION OF FLEXIBLE-USE LICENSES IN THE 2.5 GHz BAND CLOSES

### WINNING BIDDERS ANNOUNCED FOR AUCTION 108

**Down Payments Due September 16, 2022**  
**FCC Forms 601 and 602 Due September 16, 2022**  
**Final Payments Due September 30, 2022**

**AU Docket No. 20-429**

#### I. INTRODUCTION

1. On August 29, 2022, bidding concluded in Auction 108, the auction of new flexible-use geographic overlay licenses in the 2.5 GHz band. Auction 108 raised a total of \$419,133,261 in net bids and \$427,789,670 in gross bids, with 63 bidders winning a total of 7,872 licenses.<sup>1</sup>

2. By this Public Notice, the Office of Economics and Analytics (OEA) and the Wireless Telecommunications Bureau (WTB) announce the results of Auction 108. This Public Notice specifies deadlines for payments and the filing of long-form applications and gives details for other post-auction procedures.<sup>2</sup>

#### II. AUCTION 108 RESULTS AND PAYMENTS

3. 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

4. The Bidder Summary 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:

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<sup>1</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>2</sup> FCC staff will send an email to each Auction 108 qualified bidder 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 and a pre-addressed, stamped envelope for the return of RSA SecurID® tokens used in Auction 108 bidding. This package will be sent by overnight delivery via UPS 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.

- Bidder (the name of the applicant qualified to bid in Auction 108);
- FRN (bidder's FCC Registration Number);
- Bidding Credit Type (provided for any bidder that claimed a bidding credit on its FCC Form 175—i.e., small business or rural service provider—and the associated bidding credit percentage);
- Number of Licenses Won (total number of licenses won by the bidder);
- Number of Counties (total number of counties in which the bidder won licenses);
- Gross Payment (aggregate amount of all winning bids by the bidder); and
- Net Payment (gross payment less applicable discounts for any bidding credit claimed, subject to applicable caps, if any).

**B. Bidder Payments and Refunds**

5. 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. Specifically, for each bidder, Attachment B provides the following information:

- Bidder (the name of the applicant qualified to bid in Auction 108);
- FRN (bidder's FCC Registration Number);
- Upfront Payment Amount;
- Net Payment (Total) (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 by September 16, 2022 (down payment less upfront payment, with a minimum value of \$0);
- Final Payment Amount (80% of Net Payment); and
- Final Balance Due by September 30, 2022 or (Refund) (the Net Payment, minus the Upfront Payment Amount and any Additional Amount Due for Down Payment After Upfront Payment Applied).<sup>3</sup>

**C. Results by License**

6. 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 108. This information includes the price for the license as calculated by the auction system (gross and net), the market (county) name and number, the category 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>4</sup>

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<sup>3</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>4</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 108 website ([www.fcc.gov/auction/108](http://www.fcc.gov/auction/108)). The CSV file is accessible via the "Results by License" link on the PRS navigation bar for Auction 108.

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

8. The gross per-license price will be the final posted price for the license. To calculate the net price, the bidding system will apportion any applicable bidding credit discounts in proportion to the gross payment for that licensee. Additional information about how per-license prices are calculated is provided in the *Auction 108 Technical Guide*, available in the “Education” section of the Auction 108 website ([www.fcc.gov/auction/108](http://www.fcc.gov/auction/108)).

### III. POST-AUCTION DEADLINES AND PROCEDURES

#### A. Down Payments—Due Before 6:00 p.m. ET on September 16, 2022

9. The Commission’s rules require that, unless otherwise specified by public notice, within ten business days after being notified that it is a high bidder on a particular license(s), each winning bidder in Auction 108 must have on deposit with the Commission enough funds to cover the down payment on its winning bid(s).<sup>5</sup> In this case, down payments must be submitted by **6:00 p.m. Eastern Time (ET) on September 16, 2022**.<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>

10. **All down payments must be made by wire transfer as instructed in this Public Notice and must be received in the Commission’s account at the U.S. Treasury before 6:00 p.m. ET on September 16, 2022.** The down payment amount due from a particular winning bidder, if any, is set out in the “Additional Amount Due by September 16, 2022” 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).

11. A winning bidder that fails to complete this down payment process consistent with the payment method described in this Public Notice by 6:00 p.m. ET on September 16, 2022, will be in default.<sup>8</sup>

#### B. Final Payments—Due Before 6:00 p.m. ET on September 30, 2022

12. Each winning bidder in Auction 108 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 September 30, 2022 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 September 30, 2022, to avoid a late fee or default. A late payment after this deadline must be made by wire transfer as instructed in this Public Notice and must be received in the Commission’s account at the U.S. Treasury before 6:00 p.m. ET on October 17, 2022, along with the 5% late fee required by section 1.2109(a) of the Commission’s rules to avoid default.**<sup>10</sup>

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<sup>5</sup> 47 CFR § 1.2107(b). *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, at 74, para. 238 (OEA/WTB 2022) (*Auction 108 Procedures Public Notice*).

<sup>6</sup> 47 CFR § 1.2107(b); *Auction 108 Procedures Public Notice* 74, para. 238.

<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.*

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).

13. 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 September 30, 2022 (or by 6:00 p.m. ET on October 17, 2022, along with the 5% late fee) will be in default.<sup>11</sup>

14. A winning bidder's request for a Tribal lands bidding credit has no effect on the bidder's obligations to make any auction payments, including down payments and final payments, that are due before the award of the credit. Thus, a winning bidder's final payment and any applicable late fees must be paid in full by the due date even if the winning bidder has applied for a Tribal lands bidding credit. If a request for a Tribal lands bidding credit is approved, then the amount of the credit will be calculated prior to license grant and, following license grant, the calculated credit will be issued.

### C. Payment Instructions for Down Payments and Final Payments

15. All down payments and final payments must be made by wire transfer to the Commission's account at the U.S. Treasury in accordance with the instructions in this Public Notice by the applicable deadline. **We urge winning bidders to pay close attention to the payment instructions we announce here because they differ from instructions provided in past auctions and from upfront payment procedures for this auction.** If a winning bidder has any questions about making a down payment or final payment, the winning bidder should contact Scott Radcliffe of the Office of the Managing Director's Revenue & Receivables Operations Group/Auctions at (202) 418-7518, [Scott.Radcliffe@fcc.gov](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.

16. 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 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>

17. 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 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

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

<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) (denying waiver of upfront payment deadline); 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) (denying waiver of upfront payment deadline because applicant was insufficiently diligent in arranging for the payment).

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).

18. Each payer must include specified information in the wire transfer instructions it provides to its bank, as described below. The Commission does not require the submission of a completed FCC Remittance Advice Form (FCC Form 159) with down payments or final payments. 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:

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: (“D108”)

APPLICANT NAME AND PHONE NUMBER OR EMAIL ADDRESS

19. 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**

20. The Commission imposes payment obligations on bidders that default on payments due after an auction closes and on bidders that are disqualified.<sup>14</sup>

21. 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 bidder is subject to the payment obligations described in section 1.2104(g)(2) of the Commission’s rules.<sup>15</sup> In Auction 108, the “defaulted bid” or “applicable bid” for purposes of this rule is the per-license price.<sup>16</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

<sup>14</sup> See 47 CFR §§ 1.2104(g), 1.2109.

<sup>15</sup> *Id.* § 1.2104(g)(2); see also *id.* § 1.2109; *Auction 108 Procedures Public Notice*, at 76, para. 248.

<sup>16</sup> See Section II.C (Results by License), above.

winning bid, whichever is less.<sup>17</sup> The additional default payment for Auction 108 licenses was set at 15% of the applicable bid.<sup>18</sup>

22. If a winning bidder fails to remit the required down payment by the September 16, 2022 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>19</sup>

23. 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>20</sup> A winning bidder that fails to pay (a) the balance due for its winning bid(s) by the payment deadline on September 30, 2022, and (b) the balance of its winning bid(s) plus the late fee by the late payment deadline on October 17, 2022, will be deemed to have defaulted, and will be subject to applicable default payments.<sup>21</sup>

24. 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>22</sup>

25. A bidder that is found to have violated 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>23</sup>

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

26. Upfront payment monies on deposit with the Commission that are in excess of an applicant's Auction 108 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 27. 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.

27. If an applicant elects not to access the Refund Form through the *Auction Application Manager* page, the Commission requests that all information listed below be supplied in writing.

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<sup>17</sup> 47 CFR § 1.2104(g)(2); *see also id.* § 1.2109; *Auction 108 Procedures Public Notice*, at 76, para. 248.

<sup>18</sup> *Auction 108 Procedures Public Notice*, at 76, para. 249.

<sup>19</sup> 47 CFR §§ 1.2104(g)(2), 1.2109(b).

<sup>20</sup> *Id.* § 1.2109(a).

<sup>21</sup> *Id.* §§ 1.2104(g)(2), 1.2109(a), (c).

<sup>22</sup> *See id.* § 1.2109(a).

<sup>23</sup> *Id.* § 1.2109(d).

Name, address, contact, and phone number of Bank  
ABA Number (capable to accept ACH payments)  
Account Number to Credit  
Name of Account Holder  
FCC Registration Number (FRN)

28. 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).

29. An applicant seeking a refund should verify that the Tax Identification Number (TIN) associated with its FRN is correct by visiting the Commission Registration System (CORES) website at [www.fcc.gov/core](http://www.fcc.gov/core) 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 in CORES.

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 License (Long-Form) Application (FCC Form 601)—Due Before 6:00 p.m. ET on September 16, 2022**

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 108 before **6:00 p.m. ET on September 16, 2022**.

32. Instructions for completing the long-form application are available on the Auction 108 website ([www.fcc.gov/auction/108](http://www.fcc.gov/auction/108)) 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. 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>24</sup> Winning bidders organized as bidding consortia must comply with the long-form application procedures set forth in section 1.2107(g) of the Commission’s rules.<sup>25</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>26</sup>

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<sup>24</sup> *Id.* § 1.2112(b).

<sup>25</sup> *Id.* § 1.2107(g); *Auction 108 Procedures Public Notice*, at 75, para. 242; *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>26</sup> 47 CFR § 1.2104(g); *see also id.* § 1.2107(c).

### G. Tribal Lands Bidding Credit

34. The Commission has implemented a Tribal lands bidding credit to encourage the growth of wireless services on the lands of federally recognized tribes. A winning bidder that intends to use its license(s) to deploy facilities and to provide services to qualifying Tribal lands that have a wireline penetration rate equal to or below 85% is eligible to receive a Tribal lands bidding credit as set forth in sections 1.2107 and 1.2110(f) of the Commission's rules.<sup>27</sup> A Tribal lands bidding credit is in addition to, and separate from, any other bidding credit for which a winning bidder may qualify.

35. Unlike other bidding credits that are requested prior to the auction, a winning bidder applies for the Tribal lands bidding credit after the auction when it files its long-form application.<sup>28</sup> The winning bidder should file a single separate application for all of the licenses won in the auction for which the winning bidder intends to seek a Tribal lands bidding credit. When initially filing this Tribal lands bidding credit specific long-form application, the winning bidder will be required to advise the Commission that it intends to seek a Tribal lands bidding credit for each license listed on the application by checking the designated box(es). After stating its intent to seek a Tribal lands bidding credit, the winning bidder will have 180 days from the close of the long-form application filing window to amend its application to select the specific qualifying Tribal lands to be served and to provide the required Tribal government certifications. Licensees receiving a Tribal lands bidding credit are subject to performance criteria as set forth in section 1.2110(f)(3)(vii) of the Commission's rules.<sup>29</sup>

36. For additional information on the Tribal lands bidding credit, including how the amount of the credit is calculated, applicants should review the Commission's rulemaking proceeding regarding Tribal lands bidding credits and related public notices.<sup>30</sup> For additional information about what a winning bidder must provide in its long-form application if it wishes to claim the Tribal lands bidding credit, please see the *Instructions for Completing FCC Form 601 and FCC Form 602*.

### H. Ownership Disclosure Information Report (FCC Form 602)

37. Pursuant to sections 1.913, 1.919, and 1.2107(f) of the Commission's rules, an applicant for a license offered at auction must, at the time of submitting its long-form application (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>31</sup> As explained in the *Instructions for Completing FCC Form 601 and FCC Form 602*, filing an ownership disclosure information report is a

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<sup>27</sup> *Id.* §§ 1.2107, 1.2110(f); *Auction 108 Procedures Public Notice* at 38-39, para. 107, 76, paras. 246-47.

<sup>28</sup> 47 CFR § 1.2107(e).

<sup>29</sup> *Id.* § 1.2110(f)(3)(vii).

<sup>30</sup> *See generally Extending Wireless Telecommunications Services to Tribal Lands*, WT Docket No. 99-266, Report and Order and Further Notice of Proposed Rule Making, 15 FCC Rcd 11794 (2000); Second Report and Order and Second Further Notice of Proposed Rulemaking, 18 FCC Rcd 4775, 4778-79, para. 10 (2003); Third Report and Order, 19 FCC Rcd 17652 (2004); *see also Wireless Telecommunications Bureau Announces Enhancements to the Universal Licensing System to Help Winning Bidders of FCC Auctions File for Tribal Land Bidding Credits*, Public Notice, 16 FCC Rcd 5355 (WTB 2001); *Wireless Telecommunications Bureau Releases Additional Information Regarding the Procedures for Obtaining a Tribal Lands Bidding Credit and List of Tribal Lands*, Public Notice, 15 FCC Rcd 24838 (WTB 2000); *Wireless Telecommunications Bureau Announces Availability of Bidding Credits for Providing Wireless Services to Qualifying Tribal Lands: Tribal Lands Bidding Credits to be Available Beginning in Auction No. 36 (800 MHz Specialized Mobile Radio (SMR) Lower 80 Channels) and in Future Auctions*, Public Notice, 15 FCC Rcd 18354 (WTB 2000). Relevant documents can be viewed on the Commission's website by going to [www.fcc.gov/auctions](http://www.fcc.gov/auctions) and clicking on the "Tribal Lands Credits" link.

<sup>31</sup> 47 CFR §§ 1.913, 1.919, 1.2107(f). By "current ownership disclosure information report (FCC Form 602)", we mean an FCC Form 602 filed after the Auction 108 short-form application (FCC Form 175 deadline) (*i.e.*, May 10, 2022). If the most recent FCC Form 602 predates that deadline, an applicant is responsible for filing a new FCC Form 602 by the long-form application deadline even if the applicant's ownership information has not changed.

separate requirement from, and in addition to, the ownership reporting requirements associated with filing an FCC Form 601, Exhibit A.<sup>32</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.

#### **I. Maintaining Accuracy of Information**

38. Now that Auction 108 has closed, all required changes to an Auction 108 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>33</sup> With the release of this Public Notice, an Auction 108 applicant is no longer required to maintain the accuracy and completeness of information furnished in its Auction 108 short-form application (FCC Form 175) and attachments.

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

39. After its initial review of the long-form applications, WTB will release 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>34</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>35</sup> Replies must be filed within five business days after the time for filing oppositions to a petition to deny has expired.<sup>36</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>37</sup>

40. After the long-form application review process is completed, if Commission staff determines that additional payment from an applicant is due, WTB will provide further instructions in a future public notice or by demand letter.<sup>38</sup> If Commission staff determines that an applicant is otherwise qualified and that there are no substantial and material issues of fact, WTB will release a public notice announcing grant of the license(s) to the applicant.<sup>39</sup>

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

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

41. We remind applicants that the rules prohibiting certain communications set forth in section 1.2105(c) of the Commission's rules apply to each applicant that filed a short-form application in Auction 108.<sup>40</sup> 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

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<sup>32</sup> The ownership reporting requirement in the FCC Form 601 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>33</sup> See 47 CFR § 1.65.

<sup>34</sup> *Id.* § 1.2108(b).

<sup>35</sup> *Id.* § 1.2108(c).

<sup>36</sup> *Id.*

<sup>37</sup> See *Commission Taking Tough Measures Against Frivolous Pleadings*, Public Notice, 11 FCC Rcd 3030 (1996).

<sup>38</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>39</sup> See 47 CFR §§ 1.2108(d), 1.2109(a).

<sup>40</sup> *Id.* § 1.2105(c); see also *Auction 108 Procedures Public Notice*, at 23, para. 59.

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>41</sup> An "applicant" for purposes of this rule includes all "controlling interests" in the entity submitting the short-form 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>42</sup>

42. 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 ends at the post-auction down payment deadline for Auction 108, which is Friday, September 16, 2022, at 6:00 p.m. ET.<sup>43</sup> **This prohibition applies to all applicants regardless of whether such applicants became qualified bidders, or actually bid, in Auction 108.**<sup>44</sup> For further information on the prohibition, applicants should refer to the *Auction 108 Procedures Public Notice* and the *Auction 108 Qualified Bidders Public Notice*.<sup>45</sup>

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

43. The bidding system will remain accessible to Auction 108 qualified bidders until 12:00 p.m. ET on Friday, September 9, 2022. Bidders should download any files they wish to save from the bidding system before that time.

#### **C. Return of SecurID® Tokens**

44. The SecurID® tokens distributed to qualified bidders are tailored to Auction 108 and will not function in future auctions. The Commission will send each bidder a pre-addressed, stamped envelope to return its SecurID® tokens. Each bidder should return its SecurID® token(s) to the Commission for recycling by September 16, 2022.

#### **D. Contact Information**

45. For further information, contact:

#### **Auction Payment Information**

Wire Transfers  
Refunds

#### **FCC Auctions Accounting Branch**

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

#### **FCC Auctions Hotline**

(717) 338-2868

<sup>41</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 108. *Auction 108 Procedures Public Notice*, at 24, para. 61.

<sup>42</sup> 47 CFR § 1.2105(c)(5)(i); *see also Auction 108 Procedures Public Notice*, at 23, para. 60.

<sup>43</sup> *See Auction 108 Procedures Public Notice*, at 24, para. 62; *see also* 47 CFR § 1.2105(c)(1).

<sup>44</sup> *See Auction 108 Procedures Public Notice*, at 23, para. 60 & n.142.

<sup>45</sup> *Auction 108 Procedures Public Notice*, at 23-30, paras. 59-84; *Auction of Flexible-Use Licenses in the 2.5 GHz Band for Next Generation Wireless Services; 82 Applicants Qualified to Bid in Auction 108*, AU Docket No. 20-429, Public Notice, DA 22-736, at 11-12, paras. 51-56 (OEA/WTB 2022) (*Auction 108 Qualified Bidders Public Notice*).

**Licensing Information**

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

Filing Forms 601 and 602

**Auction 108 Information**

General Auction Information, Process, and  
Procedures

Auction Rules, Policies, and Regulations

**Accessible Formats**

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

**FCC Internet Sites****Press Information**

For Press Questions

**Broadband Division, WTB**

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

**ULS Support Hotline**

(877) 480-3201, option two  
(844) 432-2275 (ASL Videophone)

**Auctions Division, OEA**

FCC Auctions Hotline at (717) 338-2868

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

**Consumer and Governmental Affairs Bureau**

(202) 418-0530 or (202) 418-0432 (TTY)  
[fcc504@fcc.gov](mailto:fcc504@fcc.gov)

[www.fcc.gov/auction/108](http://www.fcc.gov/auction/108)

[www.fcc.gov](http://www.fcc.gov)

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

[auctiondata.fcc.gov](http://auctiondata.fcc.gov)

**Office of Media Relations**

Anne Veigle  
(202) 418-0500

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