



Federal Communications Commission
Washington, D.C. 20554

September 22, 2023

DA 23-896

Via Certified Mail, Return Receipt Requested

Advantage Spectrum, L.P.
10935 SE 177th Place, Suite 307
Summerfield, FL 34491
ATTN: William Vail

Re: Final Bid Withdrawal Payment for Auction 97

Dear Mr. Vail:

By this letter we notify you of the availability of a refund in connection with Advantage Spectrum, L.P.'s (Advantage Spectrum) bid withdrawal payment in the Federal Communications Commission's (Commission) auction of AWS-3 spectrum licenses in the 1695-1710 MHz, 1755-1780 MHz and 2155-2180 MHz bands (Auction 97) and provide instructions for requesting that refund.

In its short-form application to participate in Auction 97, Advantage Spectrum requested, and ultimately qualified for, a 25% bidding credit as a very small business.¹ It was the winning bidder for 124 licenses.² Advantage Spectrum withdrew provisionally winning bids on 25 licenses during Auction 97.³ Each of the 25 licenses received subsequent bids in Auction 97. Therefore, in accordance with the Commission's rules, final bid withdrawal payments for Advantage Spectrum's withdrawn bids were determined at the close of Auction 97. For 18 of its 25 withdrawn bids, the licenses received subsequent winning bids in Auction 97 that were higher than the withdrawn bid, and therefore no bid withdrawal payment was assessed.⁴ The aggregate amount of Advantage Spectrum final bid withdrawal payments for the seven withdrawn bids where the licenses received subsequent winning bids in Auction 97 that

¹ See *Auction of Advanced Wireless Services (AWS-3) Licenses; 70 Bidders Qualified to Participate in Auction 97*, Public Notice, 29 FCC Rcd 13465, Attach. A (WTB 2014) (listing Advantage Spectrum as a qualified bidder claiming a very small business bidding credit of 25%).

² See *Auction of Advanced Wireless Services (AWS-3) Licenses Closes; Winning Bidders Announced for Auction 97*, Public Notice, 30 FCC Rcd 630, 640-734, Attach. A (WTB 2015) (listing Advantage Spectrum, L.P. as the winning bidder on 124 licenses in Auction 97) (*Auction 97 Winning Bidders Public Notice*). Advantage Spectrum's long-form application for licenses won in Auction 97, including its request for bidding credits, was granted on July 5, 2016. *Wireless Telecommunications Bureau Grants AWS-3 Licenses in the 1695-1710 MHz, 1755-1780 MHz and 2155-2180 MHz Bands*, Public Notice, 31 FCC Rcd 7129, 7131-37, Attach. A (WTB 2016).

³ *Auction 97 Winning Bidders Public Notice*, 30 FCC Rcd at 738-40, Attach. C.

⁴ See 47 CFR § 1.2104(g)(1). For two of Advantage Spectrum's withdrawn bids, it was subsequently the winning bidder for those licenses and its bid withdrawal payment obligations were fully satisfied by a portion of its upfront payment. *97 Winning Bidders Public Notice*, 30 FCC Rcd at 735, Attach. B, 738-40, Attach. C.

were lower than the withdrawn bid was \$2,256,750, and Advantage Spectrum fully satisfied this amount with a portion of its upfront payment.⁵

Under the Commission's rules, a bidder that withdraws a provisionally winning bid during the course of an auction is subject to a bid withdrawal payment equal to the difference between the bidder's withdrawn bid and the subsequent winning bid.⁶ When a bidding credit applies to any of the relevant bids, the Commission uses either the difference between the net withdrawn bid and the net winning bid or the gross withdrawn bid and the gross winning bid, whichever is less.⁷

With respect to 11 of Advantage Spectrum's 25 bid withdrawals, SNR Wireless LicenseCo, LLC (SNR Wireless) was the winning bidder for six licenses from which Advantage Spectrum had withdrawn provisionally winning bids, and Northstar Wireless, LLC (Northstar Wireless) was the winning bidder for five licenses from which Advantage Spectrum had withdrawn provisionally winning bids.⁸ Thus, the 11 winning bids of SNR Wireless and Northstar Wireless (each of whom also claimed a 25% bidding credit in its short-form application) were used to calculate Advantage Spectrum's bid withdrawal payment amounts at the close of Auction 97 for the 11 licenses.⁹ Pursuant to the Commission's rules, Advantage Spectrum's bid withdrawal payment amount for each of these 11 licenses was originally calculated based on the difference between Advantage Spectrum's net withdrawn provisionally winning bid, which reflected its claimed 25% bidding credit, and the subsequent net winning bid of SNR Wireless or Northstar Wireless, which also reflected their claimed 25% bidding credits. Based on this calculation, the aggregate withdrawal payments for these 11 licenses amounted to \$1,975,500.¹⁰

After the close of Auction 97, however, the Commission determined that neither SNR Wireless nor Northstar Wireless was eligible for its claimed 25% bidding credit¹¹ Thus their subsequent net winning bids for Auction 97 were adjusted upward to exclude the 25% bidding credits.¹² In accordance

⁵ *Auction 97 Winning Bidders Public Notice*, 30 FCC Rcd at 735, Attach. B.

⁶ 47 CFR § 1.2104(g)(1).

⁷ 47 CFR § 1.2104(g)(1).

⁸ *Auction 97 Winning Bidders Public Notice*, 30 FCC Rcd at 640-734, Attach. A (applying a 25% bidding credit to the net winning bids of SNR Wireless and Northstar Wireless). The six licenses subsequently won by SNR Wireless were AW-CMA110-G (Huntington-Ashland, WV-KY-OH), AW-CMA270-G (Bellingham, WA), AW-CMA339-G (California 4 – Madera), AW-BEA015-H (Richmond-Petersburg VA), AW-CMA099-G (York, PA), and AW-CMA168-G (Tallahassee, FL). The five licenses subsequently won by Northstar Wireless were AW-BEA079-H (Montgomery, AL), AW-BEA144-H (Billings, MT-WY), AW-CMA150-G (Visalia-Tulare-Porterville, CA), AW-CMA446-G (Kentucky 4 – Spencer), AW-CMA078-G (Lansing-East Lansing, MI).

⁹ See *Auction 97 Winning Bidders Public Notice*, 30 FCC Rcd at 640-734, 738-40, Attachs. A, C.

¹⁰ See *Auction 97 Winning Bidders Public Notice*, 30 FCC Rcd at 738-40, Attach. C.

¹¹ *Northstar Wireless, LLC, SNR Wireless LicenseCo, LLC, Applications for New Licenses in the 1695-1710 MHz, 1755-1780 MHz and 2155-2180 MHz Bands*, Memorandum Opinion and Order, 30 FCC Rcd 8887 (2015), remanded in part by *SNR Wireless LicenseCo, LLC v. FCC*, 868 F.3d 1021 (D.C. Cir. 2017) *denial of bidding credits aff'd by Northstar Wireless, LLC, SNR Wireless LicenseCo, LLC, Applications for New Licenses in the 1695-1710 MHz, and 1755-1780 MHz and 2155-2180 MHz Bands*, Memorandum Opinion and Order on Remand, 35 FCC Rcd 13317, 13365, paras. 158-59 (2020), *aff'd Northstar Wireless, LLC v. FCC*, 38 F.4th 190 (D.C. Cir. 2022), cert. denied Case No. 22-672 (June 30, 2023).

¹² See *Northstar Wireless, LLC, SNR Wireless LicenseCo, LLC, Applications for New Licenses in the 1695-1710 MHz, 1755-1780 MHz and 2155-2180 MHz Bands*, Memorandum Opinion and Order, 30 FCC Rcd 8887 at 8949-51, paras. 152-155 (2015) (denying bidding credits and requiring each party to pay the full amount of its winning bids).

with section 1.2104(g)(1) of the Commission's rules,¹³ we have recalculated Advantage Spectrum's bid withdrawal payment amount for these 11 licenses using the adjusted net winning bids of SNR Wireless and Northstar Wireless. As shown in Attachment A, we have determined that Advantage Spectrum's adjusted bid withdrawal payment obligation for these 11 licenses is \$0.00 and, therefore, \$1,975,500 of the bid withdrawal payment deducted from Advantage Spectrum's upfront payment for Auction 97 is now available for refund. Refund instructions can be found in Attachment B.

Ordering Clauses

Accordingly, IT IS ORDERED that, pursuant to 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)(1) of the Commission's rules, 47 CFR § 1.2104(g)(1), Advantage Spectrum, L.P. is ASSESSED an adjusted bid withdrawal payment as computed in Attachment A.

IT IS FURTHER ORDERED that, pursuant to sections 1.2104 and 1.2106 of the Commission's rules, 47 C.F.R. §§ 1.2104 and 1.2106, the bid withdrawal payment refund amount as computed in Attachment A is available for refund to Advantage Spectrum upon appropriate request in accordance with the instructions in Attachment B.

IT IS FURTHER ORDERED that this Order shall be sent to Advantage Spectrum, L.P. and its representatives by certified mail, return receipt requested. This action is taken pursuant to 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

Attachments

cc: Thomas Gutierrez, Esq.

¹³ 47 CFR § 1.2104(g)(1).

ATTACHMENT A

Adjusted Bid Withdrawal Payment Report

License	Withdrawn Gross Bid Auction 97	Withdrawn Net Bid Auction 97	Winning Bidder Auction 97	Original Net Winning Bid Auction 97	Adjusted Net Winning Bid Auction 97	Original Withdrawal Payment	Adjusted Withdrawal Payment
AW-BEA079-H	\$3,828,000	\$2,871,000	Northstar Wireless	\$2,631,750	\$3,509,000	\$239,250	\$0
AW-BEA144-H	\$634,000	\$475,500	Northstar Wireless	\$951,000	\$1,268,000	\$0	\$0
AW-CMA110-G	\$1,039,000	\$779,250	SNR Wireless	\$649,500	\$866,000	\$129,750	\$0
AW-CMA150-G	\$2,280,000	\$1,710,000	Northstar Wireless	\$2,118,750	\$2,825,000	\$0	\$0
AW-CMA270-G	\$339,000	\$254,250	SNR Wireless	\$927,750	\$1,237,000	\$0	\$0
AW-CMA339-G	\$1,317,000	\$987,750	SNR Wireless	\$2,942,250	\$3,923,000	\$0	\$0
AW-CMA446-G	\$507,000	\$380,250	Northstar Wireless	\$378,750	\$505,000	\$1,500	\$0
AW-BEA015-H	\$10,066,000	\$7,549,500	SNR Wireless	\$6,291,000	\$8,388,000	\$1,258,500	\$0

License	Withdrawn Gross Bid Auction 97	Withdrawn Net Bid Auction 97	Winning Bidder Auction 97	Original Net Winning Bid Auction 97	Adjusted Net Winning Bid Auction 97	Original Withdrawal Payment	Adjusted Withdrawal Payment
AW-CMA078-G	\$3,148,000	\$2,361,000	Northstar Wireless	\$4,910,250	\$6,547,000	\$0	\$0
AW-CMA099-G	\$1,462,000	\$1,096,500	SNR Wireless	\$1,259,250	\$1,679,000	\$0	\$0
AW-CMA168-G	\$2,771,000	\$2,078,250	SNR Wireless	\$1,731,750	\$2,309,000	\$346,500	\$0

Original Bid Withdrawal Payment	\$1,975,500.00
Less Adjusted Bid Withdrawal Payment	\$0.00
Bid Withdrawal Payment Refund	\$1,975,500.00

ATTACHMENT B

Refund Instructions

Monies paid to the Commission in excess of Advantage Spectrum, L.P.'s adjusted bid withdrawal payment obligation may be refunded to the payer of record as identified on the FCC Form 159 submitted with the upfront payment for Auction 97, unless that payer submits written authorization providing the information listed in the paragraph below for an alternative payee.

To receive a refund, Advantage Spectrum, L.P. must submit a written refund request with the information listed below:

1. Name, address, contact and phone number of Bank
2. Automated Clearing House (ACH) ABA Number (Please verify this number with your Bank)
3. Account Number to Credit
4. Name of Account Holder
5. FCC Registration Number (FRN)

The refund request must be signed and submitted by fax to the Revenue & Receivables Operations Group/Auctions at (202) 418-2843, or by email to RROGWireFaxes@fcc.gov.

An applicant seeking a refund should verify that the taxpayer identification number (TIN) associated with its FCC Registration Number (FRN) is correct by visiting the FRN 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 in CORES.

Refund processing generally takes up to two weeks to complete. Any questions concerning refunds should be directed to the Scott Radcliffe at (202) 418-7518, Scott.Radcliffe@fcc.gov, or Theresa Meeks at (202) 418-2945, Theresa.Meeks@fcc.gov. Auctions Accounting Branch staff may also be reached through the FCC Auctions Hotline at (717) 338-2868.