



Federal Communications Commission
Washington, D.C. 20554

December 9, 2025

DA 25-1034

Via Email and Certified Mail, Return Receipt Requested

Mobi, Inc.
Attn: Justen Burdette
1668 South King Street
Suite 101
Honolulu, HI 96826

Re: Mobi, Inc.'s Interim Default Payment Obligation for Licenses Won in Auction 105

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

Dear Mr. Burdette:

This Order provides notice and demands payment of the interim default payment obligation for Mobi, Inc. ("Mobi") with respect to its default arising out of Auction 105 and dismisses Mobi's long-form license application (FCC Form 601). As described below, Mobi was the winning bidder in Auction 105 for three Priority Access Licenses (PALs) in the 3550-3650 MHz portion of the 3.5 GHz band—one in license area D15005 (Kalawao, HI) and two in license area D15007 (Kauai, HI).¹ Mobi failed to file required post-auction filings and to provide information requested by Commission staff, rendering its long-form application subject to dismissal; due to its failure to prosecute its application, Mobi defaulted on its winning bids for Auction 105. Thus, Mobi became subject to the default payment provisions of section 1.2104(g)(2) of the Commission's rules.²

On September 2, 2020, the Office of Economics and Analytics and Wireless Telecommunications Bureau announced the winning bidders for Auction 105, and established post-auction deadlines and requirements.³ Mobi's gross winning bid amount was \$32,200.00.⁴ Mobi claimed eligibility for the very

¹ See *Auction of Priority Access Licenses in the 3550-3650 MHz Band Closes; Winning Bidders Announced for Auction 105*, Public Notice, 35 FCC Rcd 9287 (OEA/WTB 2020) (Auction 105 Closing Public Notice); see also FCC Public Reporting System, Auction 105 – 3.5 GHz, <https://auctiondata.fcc.gov/public/projects/auction105>.

² 47 CFR § 1.2104(g)(2); see also *id.* § 1.2109(c).

³ See *Auction of Priority Access Licenses in the 3550-3650 MHz Band Closes; Winning Bidders Announced for Auction 105*, Public Notice, 35 FCC Rcd 9287 (OEA/WTB 2020) (Auction 105 Closing Public Notice).

⁴ See *id.* at 9331.

small business bidding credit.⁵ Each winning bidder, including Mobi, was required to submit a properly completed long-form application (FCC Form 601) and current ownership disclosure information report (FCC Form 602) by no later than September 17, 2020.⁶ Mobi submitted a FCC Form 601 by the deadline, but it was not properly completed and lacked sufficient information that would have allowed Commission staff to determine that its long-form application was acceptable for filing.⁷ Mobi also failed to file the required FCC Form 602.

Specifically, Mobi failed to submit or attach certain information required by the Commission's rules. Starting in October 2020, Commission staff repeatedly contacted Mobi and informed it that its application was missing required information and needed amendment to provide the following:

- Current and complete FCC Form 602 ownership report;⁸
- A description of whether an individual is the sole officer and/or director of Mobi;⁹
- The gross revenues for the most recent three years for the applicant, each of its affiliates, each of its controlling interests, and each of the affiliates of the controlling interests;¹⁰
- The required information supporting whether Mobi qualifies for the very small business bidding credit (Exhibit C);¹¹ and

⁵ 47 CFR §§ 1.2110(f)(2)(i)(B), 96.30(a)(2), 96.30(b). Applicants may receive the very small business bidding credit where the applicant demonstrates that, together with its affiliates, controlling interests, and affiliates of the controlling interests, its average annual gross revenues do not exceed \$20 million for the preceding three years. *Id.* §§ 1.2110(f)(2)(i); 96.30. If Mobi had demonstrated its eligibility for the very small business credit, it would have been entitled to receive a 25% discount on its winning bid. Accordingly, the *Auction 105 Closing Public Notice* shows that Mobi had a net winning bid of \$24,900. *See Auction 105 Closing Public Notice*, Attachment B.

⁶ *Id.* at 9294-296, paras. 10, 37; *see also* 47 CFR §§ 1.913; 1.919; 1.2107(c), (f). Instructions for completing the FCC Form 601 and FCC Form 602 were made available on the Auction 105 website (www.fcc.gov/auction/105) in the "Education" section. (*Instructions for Completing FCC Forms 601 and 602*). Winning bidders were also required to meet their down payment obligation by September 17, 2020. Mobi's upfront payment amount on deposit of \$30,000 exceeded the 20% down payment amount; the *Auction 105 Closing Public Notice* had calculated Mobi's \$4,980 down payment amount based on a net winning bid of \$24,900. *See Auction 105 Closing Public Notice*, Attachment B.

⁷ *See* 47 CFR §§ 1.913; 1.919; 1.2107(c), (f); *see also* Auction of Priority Access Licenses for the 3550-3650 MHz Band; *Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 105; Bidding in Auction 105 Scheduled to Begin June 25, 2020*, AU Docket No. 19-244, Public Notice, 35 FCC Rcd 2140, 2202-203, paras. 219-220, 222 (2020) (*Auction 105 Procedures Public Notice*); *Auction 105 Closing Public Notice*, 35 FCC Rcd at 9294, 9295-96, paras. 31, 37.

⁸ 47 CFR §§ 1.913; 1.919; 1.2107(f); *see also Auction 105 Closing Public Notice*, 35 FCC Rcd at 9295-96, para. 37; *Instructions for Completing FCC Form 601 and FCC Form 602* at 23-25.

⁹ 47 CFR § 1.2112(b); *see also Auction 105 Closing Public Notice*, 35 FCC Rcd at 9294, para. 32; *Instructions for Completing FCC Form 601 and FCC Form 602* at 7-8.

¹⁰ 47 CFR §§ 1.2110(b)(1)(i), (c)(2), (c)(5), 96.30(a); *see also Auction 105 Procedures Public Notice*, 35 FCC Rcd at 2163-64, para. 74; *Instructions for Completing FCC Form 601 and FCC Form 602* at 11-12

¹¹ 47 CFR §§ 1.2110(b), 96.30(a)(2); *see also Instructions for Completing FCC Form 601 and FCC Form 602* at 10-13.

- Copies of Mobi's formation documents (Exhibit D).¹²

Following these repeated attempts to ask Mobi to amend its application, Mobi neither responded nor amended its application. On April 1, 2021, Mobi was sent a letter by email and certified U.S. mail requesting that Mobi amend its application to provide the requested information before the FCC could resume processing Mobi's application. In this letter, Mobi was informed that failure to properly amend its application within the specified time period could lead to dismissal of Mobi's application pursuant to section 1.934 of the Commission's rules.¹³ Mobi was also informed that if its application is dismissed, Mobi will be deemed to be in default under the applicable Commission rules and will be subject to the payment obligations described in section 1.2104(g)(2) of the Commission's rules.¹⁴ Mobi failed to amend its application within the specified time period, and Mobi's application is still missing the required information. Mobi's application became subject to dismissal and Mobi became subject to the default provisions of section 1.2104(g) of the Commission's rules when it failed to amend its FCC Form 601 or add the FCC Form 602 pursuant to section 1.934 of the Commission's rules.¹⁵

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 and to submit a long-form application.¹⁶ A bidder who defaults on that obligation or is disqualified is subject to a default payment.¹⁷ The default payment has two components: a deficiency payment and an additional payment amount.¹⁸ The deficiency payment component applies only in the event that the subsequent winning bid, the next time a license for the relevant spectrum is won, is less than the defaulted bid.¹⁹ The deficiency payment 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.²⁰ The additional payment amount is owed by each defaulting bidder.²¹ Pursuant to the rule in effect for Auction 105, the additional default payment amount is equal to twenty percent (20%) of the defaulter's bid, or the subsequent winning bid, whichever is less.²²

Until new licenses for the relevant spectrum are won in a subsequent auction, the Commission cannot determine the full amount of the default payment that is owed. Therefore, pursuant to Commission practice, we will assess an interim default payment amounting to twenty percent (20%) of

¹² 47 CFR §§ 1.2110(j); 1.2112(b)(2)(iii)-(iv), (vi)-(vii); *see also Instructions for Completing FCC Form 601 and FCC Form 602* at 14-15.

¹³ 47 CFR § 1.934(c).

¹⁴ *Id.* § 1.2104(g)(2).

¹⁵ *Id.* §§ 1.2104(g)(2); 1.934(c); *see also Auction 105 Closing Public Notice*, 35 FCC Rcd at 9292-93, para. 22.

¹⁶ 47 CFR §§ 1.2104(g)(2), 1.2107(c).

¹⁷ *Id.* §§ 1.2104(g)(2), 1.2109(b), (c).

¹⁸ *Id.* § 1.2104(g)(2).

¹⁹ *Id.* § 1.2104(g)(2)(i).

²⁰ *Id.*

²¹ *Id.* § 1.2104(g)(2).

²² *Id.* § 1.2104(g)(2)(ii); *see Auction 105 Procedures Public Notice*, 35 FCC Rcd at 2204, para. 228.

the total winning bids.²³ Once a subsequent winning bid for the relevant spectrum is established, the remaining amount owed by the defaulting party, if any, will be assessed at that time.

Accordingly, Mobi is in default on the licenses for which it was the winning bidder in Auction 105, its long-form application is dismissed, and it is subject to the applicable default payment.²⁴ Pursuant to section 1.2104(g)(2) of the Commission's rules and the procedures established for Auction 105, Mobi owes an interim default payment of \$6,640.00, which is twenty percent (20%) of its total gross winning bids of \$33,200.00.²⁵ Pursuant to section 1.2106(e) of the rules, we will apply Mobi's amount on deposit toward satisfying this interim default payment obligation.²⁶ Once a subsequent winning bid is established for the relevant spectrum, we will determine Mobi's final default payment obligation. If an additional payment is required, a further order will assess such payment.²⁷

Ordering Clauses

Accordingly, IT IS ORDERED that, pursuant to sections 0.331, 1.2109, and 1.934 of the Commission's rules, 47 CFR §§ 0.331, 1.2109, 1.934, the FCC Form 601 long-form application of Mobi, Inc., FCC File No. 0009227262, is DISMISSED with prejudice.

IT IS FURTHER 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)(2) of the Commission's rules, 47 CFR § 1.2104(g)(2), Mobi, Inc. is ASSESSED an interim default payment of \$6,640.00, as computed in Attachment A.

IT IS FURTHER ORDERED that, pursuant to sections 1.2104 and 1.2106 of the Commission's rules, 47 CFR §§ 1.2104 and 1.2106, Mobi, Inc.'s funds on deposit with the Commission will be applied toward satisfying Mobi's interim default payment obligation.

IT IS FURTHER ORDERED that, pursuant to section 1.2104(g)(2), of the Commission's rules, 47 CFR § 1.2104(g)(2), Mobi, Inc. will be subject to a final default payment for its defaulted winning bid during Auction 105 for one Priority Access License in the 3550-3650 MHz portion of the 3.5 GHz band in Kalawao, HI, and two in Kauai, HI, once the spectrum associated with the licenses is won in a subsequent auction and the full default payment amount is determined.

²³ See *Amendment of Part 1 of the Commission's Rules—Competitive Bidding Procedures*, WT Docket No. 97-82, Third Report and Order and Second Further Notice of Proposed Rule Making, 13 FCC Rcd 374, 434, para. 102 (1997); *Implementation of Section 309(j) of the Communications Act—Competitive Bidding*, PP Docket No. 93-253, Fifth Report and Order, 9 FCC Rcd 5532, 5563, n.51 (1994); 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, 2382-83, para. 197 (1994).

²⁴ 47 CFR §§ 1.2104(g)(2), 1.2109(c).

²⁵ *Id.* §§ 1.2104(g)(2), 1.2109(c); see *Auction 105 Procedures Public Notice*, 35 FCC Rcd at 2204, para. 228. Because Mobi failed to provide information sufficient to establish its eligibility for the very small business bidding credit, its interim default payment is based on its gross winning bid.

²⁶ 47 CFR § 1.2106(e). Commission staff previously refunded \$5,100 to Mobi, leaving \$24,900 on deposit out of the \$30,000 upfront payment that Mobi had initially submitted.

²⁷ See *Mountain Solutions Ltd., Inc.*, Memorandum Opinion and Order, 13 FCC Rcd 21983, 21997, para. 25 (1998).

IT IS FURTHER ORDERED that this Order shall be sent to Mobi, Inc. and its representatives by certified mail, return receipt requested. This action is taken pursuant to authority delegated by sections 0.21(m), 0.271, and 0.331 of the Commission's rules, 47 CFR §§ 0.21(m), 0.271, 0.331.

Sincerely,

Mary Lovejoy
Chief, Auctions Division
Office of Economics and Analytics

Roger Noel
Chief, Mobility Division
Wireless Telecommunications Bureau

Attachment

ATTACHMENT A

Interim Default Payment Report

Bidder	Defaulted Gross Bids Auction 105	Defaulted Net Bids Auction 105	Interim Payment Amount (20%)
Mobi, Inc. (3 licenses)	\$33,200.00	\$33,200.00	\$6,640.00

Interim Default Amount	\$6,640.00
Less Total of Amounts on Deposit	\$24,900.00
Outstanding Balance	(\$18,260.00)