



Federal Communications Commission
Washington, D.C. 20554

March 26, 2026

DA 26-292

Via Email and Certified Mail, Return Receipt Requested

Stephen J. Moore
Vice President of Finance
LICT Corporation
401 Theodore Fremd Ave.
Rye, New York 10580

Re: LIC T Corporation Petition for Waiver of the Short-Form Application Filing Deadline for Auction 113; AU Docket No. 25-117

Dear Mr. Moore:

This letter responds to the request of LIC T Corporation (LIC T) for waiver of the deadline for filing a short-form application (FCC Form 175) to participate in Auction 113.¹ According to the Petition, LIC T did not file an FCC Form 175 before the deadline because it was unaware of the filing window until nearly a month after it closed.² LIC T now seeks a waiver of section 1.2105 of the Commission's rules so that it may file an FCC Form 175 and seek to become qualified to bid in Auction 113.³ For the reasons set forth below, we deny LIC T's request.

On December 18, 2025, the Office of Economics and Analytics and the Wireless Telecommunications Bureau released a public notice establishing application and bidding procedures for the Auction of Advanced Wireless Services (AWS-3) Licenses (Auction 113).⁴ The public notice announced that the window for electronically filing the FCC Form 175 for Auction 113 would open over five weeks later at 12:00 noon Eastern Time (ET) on January 26, 2026, and close at 6:00 p.m. ET on February 11, 2026.⁵ In addition to announcing important dates and deadlines for the auction, the *Auctions 113 Procedures Public Notice* called attention to the relevant rules, cautioning that "[l]ate

¹ Letter to Mary Lovejoy, Chief, Auctions Division, Office of Economics and Analytics, and Joel Taubenblatt, Chief, Wireless Telecommunications Bureau, from Stephen J. Moore, Vice President of Finance, LIC T Corporation (Mar. 11, 2026) (LIC T Waiver Request or Petition).

² *Id.* at 1-2.

³ *Id.*; 47 CFR § 1.2105.

⁴ *Auction of Advanced Wireless Services (AWS-3) Licenses; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 113; Bidding Scheduled to Begin June 2, 2026*, AU Docket No. 25-117, Public Notice, DA 25-1075 (OEA/WTB Dec. 18, 2025) (*Auction 113 Procedures Public Notice*).

⁵ *Auction 113 Procedures Public Notice* at 10, para. 15. A summary of the *Auction 113 Procedures Public Notice*, including the dates of the electronic filing window for FCC Form 175, was published in the Federal Register on December 23, 2025. *Auction of Advanced Wireless Services (AWS-3) Licenses; Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 113*, 90 Fed. Reg. 59979 (Dec. 23, 2025).

applications will not be accepted” and that the “applicant bears full responsibility for submitting an accurate, complete, and *timely* short-form application.”⁶ Moreover, short-form application instructions and an online tutorial for Auction 113 both emphasized the importance of the short-form application deadline.⁷

Despite this ample notice and these explicit warnings, LICT now requests a waiver of the FCC Form 175 deadline for Auction 113, arguing that: (1) grant of the waiver is in the public interest given LICT’s “longstanding record of responsible spectrum stewardship” and it would not disrupt the auction schedule or prejudice other bidders and (2) what it describes as its “structural and inadvertent” “breakdown” presents “extraordinary circumstances” that warrant a waiver.⁸ In support of its request, LICT asserts that it has been an active participant in past auctions and claims that, while “internal alerts and escalations” would have ordinarily flagged the Auction 113 filing window, “a new Chief Operating Officer introduced revised internal workflow and compliance-tracking procedures” and as a result, alerts related to Auction 113 “fell through the gap.”⁹

To receive a waiver under section 1.925 of the Commission’s rules, a petitioner must demonstrate that: (1) the underlying purpose of the rule would not be served or would be frustrated by application to the instant case, and that a grant of the waiver would be in the public interest, or (2) in view of the unique or unusual factual circumstances of the instant case, application of the rule would be inequitable, unduly burdensome or contrary to the public interest, or that the applicant has no reasonable alternative to seeking a waiver of the rule.¹⁰ LICT’s waiver request does not demonstrate that LICT has met either prong of the waiver standard.

First, LICT has not demonstrated that applying the short-form application filing deadline would not serve the rule’s underlying purpose nor that waiving the deadline would serve the public interest. The underlying purpose of the short-form filing deadline is best served by fair and consistent application, including consistent treatment of requests to waive competitive bidding deadlines.¹¹ The Commission “has consistently explained that uniform deadlines for various stages of the auction application process provide applicants with certainty and give the Commission time for orderly application review and

⁶ *Auction 113 Procedures Public Notice* at 15, 24-25, paras. 32, 67 (emphasis added).

⁷ See FCC Form 175 Application Filing Instructions for Auction 113, 3-4, 27, paras. 3-4, 122 (Dec. 18, 2025) www.fcc.gov/files/fcc-form175-application-filing-instructions (“Applications must be submitted and confirmed prior to 6:00 p.m. ET on February 11, 2026. Late applications or unconfirmed submissions will not be accepted.”); Auction 113 Application Tutorial, www.fcc.gov/auction/113/application-tutorial/presentation_html5.html.

⁸ LICT Waiver Request at 2.

⁹ *Id.* at 1-2.

¹⁰ See 47 CFR § 1.925(b)(3)(i)-(ii). LICT requests a waiver pursuant to sections 1.3 and 1.925 of the Commission’s rules. LICT Waiver Request at 1; 47 CFR § 1.3. Section 1.925 governs waivers of rules in the context of wireless radio services licenses, and the waiver standard applied under section 1.3 is substantially the same as the waiver standard applied under section 1.925. See *Application of Delta Radio, Inc.*, Memorandum Opinion and Order, 18 FCC Rcd 16889, 16891, para. 7 & n.19 (2003) (citing *BellSouth Corp. v. FCC*, 162 F.3d 1215, 1225 n.10 (D.C. Cir. 1999)), *aff’d sub nom.*, *Delta Radio, Inc. v. FCC*, 387 F.3d 897 (D.C. Cir. 2004).

¹¹ See *NBVD Investment, L.L.C., Request for Waiver of Section 1.2105 of the Commission’s Rules for Auction 101*, WT Docket Nos. 17-79, 17-84, Memorandum Opinion and Order, 34 FCC Rcd 8507, 8509, para. 11 (2019) (*NBVD Investment, L.L.C., Application for Review MO&O*).

auction preparation.”¹² Consistent application of deadlines serves “the public interest by providing fair and equal treatment to applicants by subjecting them to the same timeframes for making auction-related decisions.”¹³ For that reason, the Commission has a longstanding policy of strict enforcement of auction deadlines,¹⁴ and the Auctions Division has routinely rejected requests for waiver of a short-form application filing deadline where the petitioner’s failure to meet the deadline was due to its own operational shortcomings.¹⁵ Here, LICT admits that it missed the short-form application filing deadline through its own “breakdown,” although LICT claims it was not due to “neglect or ignorance of the Commission’s rules,”¹⁶ but this does not outweigh the policy reasons for the Commission’s rule, which is to provide fair and equal treatment of applicants.

LICT rationalizes that its request for special treatment should be granted because “there is ample time to process a late-filed FCC Form 175 without disrupting the auction schedule or prejudicing any other bidder.”¹⁷ This assertion is both incorrect and misses the point. The auction process includes multiple succeeding deadlines, including application filing deadlines, the upfront payment deadline, and deadlines at the end of each round of bidding, which must be strictly observed to assure that an auction is fair and objective to all participants.¹⁸ Accepting a short-form application a month after the filing deadline would necessarily disrupt the orderly review of applications. To waive an auction deadline under the circumstances present here would allow any party that simply was not attentive to auction deadlines to seek to file a late application, further disrupting the auction process.

¹² *Id.*

¹³ *Id.*

¹⁴ *See id.* at 8509-12, paras. 11-12, 15 (emphasizing the public benefit in consistent and fair application of auction deadlines and the high hurdle faced by any petitioner that seeks a waiver of an auction deadline).

¹⁵ *See, e.g., Native Network, Inc. et al. Request for Waiver of Deadline for Filing Short-Form Application to Participate in Auction 904 (FCC Form 183)*, AU Docket No. 20-34, Order, 35 FCC Rcd 9273, 9273-74, 9283, paras. 8-12, 30 (OEA-AD 2020) (*Native Networks et al. Order*) (denying multiple waiver requests based on petitioners being unaware of the deadline, experiencing operational changes or constraints, and/or experiencing technical issues around the time that the filing window closed); *NBVDs Investment, L.L.C. Request for Waiver of Section 1.2105 of the Commission’s Rules for Auction 101*, Memorandum Opinion and Order, 33 FCC Rcd 9857, 9859-61, paras. 9-11, 14 (WTB-ASAD 2018) (denying request for waiver of the short-form filing deadline where petitioner experienced network connectivity issues in the last minutes of the filing window) *affirmed by NBVDs Application for Review MO&O*, 33 FCC Rcd 9857; *Ideas for Business, Inc. – Request for Waiver of Short-Form Deadline for FM Broadcast Auction No. 37*, Letter Order, 19 FCC Rcd 20517, 20517-19 (WTB-ASAD 2004) (denying waiver request where petitioner incorrectly believed it had filed an application but had failed to obtain a filing confirmation); *Lynn Communication, Inc., Auction No. 40 – Waiver Request*, Letter Order, 16 FCC Rcd 18836 (denying a request for waiver of the short-form application filing deadline where petitioner’s management became temporarily “displaced and distracted by the events of September 11, 2001” days prior to the deadline) (WTB-AIAD 2001); *Three Angels Broadcasting Network; Request for Waiver; Supplemental Closed Broadcast Auction No. 28*, Letter Order, 15 FCC Rcd 4521, 4522 (WTB-AIAD 2000) (denying request for waiver of short-form application filing deadline where petitioner missed the deadline through its own fault).

¹⁶ LICT Waiver Request at 1-2.

¹⁷ *Id.* at 2.

¹⁸ *See, e.g., Native Networks et al. Order* at 9278, para. 16; *NBVDs Application for Review MO&O* at 8509, para. 12.

LICT further asserts that its participation in Auction 113 would serve the public interest because “it is a rural service provider seeking licenses in markets it already serves, and its participation advances the Commission’s goals of efficient spectrum use and rural broadband deployment.”¹⁹ This claim is purely speculative. There is no guarantee that LICT would win any licenses in the auction, or even if it did, whether or how LICT might put those licenses to use. Such speculative claims that the public interest might be served by waiving the deadline are insufficient to show good cause for a waiver when weighed against the public benefit served by enforcement.²⁰ As the Commission has emphasized, such arguments “could be asserted whenever an auction deadline is missed. For that reason, the Commission has routinely rejected such arguments in declining to grant other requests for waiver of its competitive bidding rules”²¹

Second, LICT has not demonstrated unique or unusual factual circumstances such that application of the deadline would be inequitable, unduly burdensome, or contrary to the public interest, or that the applicant had no reasonable alternative.²² LICT asserts that it failed to file a timely FCC Form 175 for Auction 113 due to its operational changes that caused the filing deadline to “[fall] through the gap.”²³ A prospective applicant’s “revised internal workflow and compliance-tracking procedures”²⁴ is not a unique or unusual circumstance that warrants a waiver of our auction deadline. Unique or unusual circumstances do not exist simply because the applicant did not find out about the short-form application filing window before it was too late to file.²⁵ Granting a waiver in such a case would be inequitable to the other applicants that met the deadline.

For the reasons stated above, we deny LICT’s request. This action is taken pursuant to authority delegated by sections 0.21(m), 0.271, 1.3 and 1.925 of the Commission’s rules.²⁶

Sincerely,

Mary Lovejoy
Chief, Auctions Division
Office of Economics and Analytics

¹⁹ LICT Waiver Request at 2.

²⁰ *Native Networks et al. Order* at 9278, para. 17.

²¹ *NBVDs Application for Review MO&O* at 8511, para. 15.

²² A showing of special circumstances is essential. A public interest showing alone cannot suffice to waive a strict deadline, which by its nature effectively excludes otherwise meritorious claims that may be in the public interest to consider. *NetworkIP, LLC v. FCC*, 548 F.3d 116, 127 (D.C. Cir. 2008).

²³ LICT Waiver Request at 1-2.

²⁴ *Id.* at 1.

²⁵ See *Native Networks et al. Order* at 9276, 9279, paras. 10, 20 (finding that the fact that Affinity Technology Solutions LLC only learned of the short-form filing window for Auction 904 one day before the deadline does not amount to a special circumstance that could justify departing from the general rule).

²⁶ 47 CFR §§ 0.21(m), 0.271, 1.3, 1.925.