



Federal Communications Commission  
Washington, D.C. 20554

August 4, 2026

DA 26-818

**Via Certified Mail, Return Receipt Requested**

Mr. Mike Felicissimo  
President  
NE Colorado Cellular, Inc.  
1224 West Platte Avenue  
Fort Morgan, CO 80701

**Re: Final Bid Withdrawal Payment on Auction 97 License AW-CMA353-G**

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

Dear Mr. Felicissimo:

This Order provides notice and demands payment of a debt owed to the United States based on NE Colorado Cellular, Inc.'s withdrawal of a provisionally winning bid placed during Auction 97. During that auction, NE Colorado Cellular, Inc. withdrew a provisionally winning bid in the amount of \$1,454,000 for an AWS-3 license in San Miguel, Colorado (AW-CMA353-G).<sup>1</sup> Pursuant to the Commission's rules,<sup>2</sup> NE Colorado Cellular, Inc. owes a bid withdrawal payment, which is a debt owed to the United States.<sup>3</sup> As explained in this notice, \$345,600 is now due for that bid withdrawal payment.

Under the Commission's rules, a bidder that withdraws a provisionally winning bid during bidding in an auction is subject to a bid withdrawal payment equal to the difference between the amount of the withdrawn bid and the amount of an applicable subsequent winning bid.<sup>4</sup> Though there was no subsequent winning bid in Auction 97, a new license for the same spectrum received a winning bid in a subsequent auction of AWS-3 licenses (Auction 113).<sup>5</sup> Accordingly, the Commission now is able to calculate NE Colorado Cellular, Inc.'s final bid withdrawal obligation with respect to its withdrawn bid in Auction 97.<sup>6</sup>

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<sup>1</sup> *Auction of Advanced Wireless Services (AWS-3) Licenses Closes; Winning Bidders Announced for Auction 97*, Public Notice, 30 FCC Rcd 630, 738-40, Attach. C (WTB 2015) (*Auction 97 Winning Bidders Public Notice*).

<sup>2</sup> See 47 CFR § 1.2104(g)(1).

<sup>3</sup> See 31 U.S.C. § 3701(b)(1).

<sup>4</sup> See 47 CFR § 1.2104(g)(1).

<sup>5</sup> See *Auction of Advanced Wireless Services (AWS-3) Licenses Closes; Winning Bidders Announced for Auction 113*, Public Notice, DA 26-633 (OEA/WTB Jun. 26, 2026), at 2-3, para. 6 (instructions for viewing auction results by license).

<sup>6</sup> See 47 CFR § 1.2104(g)(1).

If the subsequent winning bid for a comparable license is less than the bidder's withdrawn amount, then the bidder is required to make a final bid withdrawal payment so that the Commission receives either the difference between the bidder's net withdrawn bid and the subsequent net winning bid, or the difference between the bidder's gross withdrawn bid and the subsequent gross winning bid, whichever is less.<sup>7</sup> As shown in Attachment A, the applicable subsequent winning bid is less and the difference between both the net and the gross amounts of the applicable subsequent winning bid and the withdrawn bid is \$491,000.

At the close of Auction 97 in 2015, the Commission assessed NE Colorado Cellular, Inc. an interim bid withdrawal payment.<sup>8</sup> Under the rule in effect at the time of Auction 97, if a high bid is withdrawn on a license that remains unsold at the close of the auction, the withdrawing bidder was required to make an interim payment equal to ten percent (10%) of the net amount of the withdrawn bid.<sup>9</sup> The interim payment for NE Colorado Cellular, Inc.'s withdrawn bid of \$1,454,000 in Auction 97 therefore was \$145,400. This payment amount was deducted from any upfront payments or down payments deposited for the withdrawing bidder's account with the Commission.<sup>10</sup> A portion of the upfront payment for Auction 97 for NE Colorado Cellular, Inc. fully satisfied this amount and remains on deposit with the Commission.<sup>11</sup>

As shown in Attachment A, in accordance with section 1.2104(g)(1) of the Commission's rules,<sup>12</sup> we have completed the final bid withdrawal payment calculation. After applying the interim bid withdrawal payment that is on deposit, NE Colorado Cellular, Inc. owes an outstanding balance of \$345,600.00. This debt to the United States is payable in full and without further demand within 30 days of the date of this Order in accordance with the Notice Information provided below and Payment Instructions in Attachment B.

### **Important Notice Information**

The following provides notification of procedures and information required by the Debt Collection Improvement Act of 1996 ("DCIA").<sup>13</sup> The outstanding balance shown in Attachment A is a debt NE Colorado Cellular, Inc. owes to the United States. It is payable in full and without further demand, and payment must be received no later than the payment due date, which is 30 days from the date of this Order ("Due Date").<sup>14</sup> Any portion of the debt unpaid at the end of the Due Date will be

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<sup>7</sup> Id.

<sup>8</sup> See *Auction 97 Winning Bidders Public Notice*, 30 FCC Rcd at 738-40, Attach. C.

<sup>9</sup> See *Auction of Advanced Wireless Services (AWS-3) Licenses Scheduled for November 13, 2014; Notice and Filing Requirements, Reserve Prices, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 97*, Public Notice, 29 FCC Rcd. 8386, 8447, para. 222 (WTB 2014).

<sup>10</sup> See 47 CFR §§ 1.2104(g)(1), 1.2106(d) and (e).

<sup>11</sup> *Auction 97 Winning Bidders Public Notice*, 30 FCC Rcd at 735, Attach. B.

<sup>12</sup> 47 CFR § 1.2104(g)(1).

<sup>13</sup> Public Law 104-134, 110 Stat. 1321, 1358 (Apr. 26, 1996) codified in relevant part at 31 U.S.C. §§ 3716 (administrative offset) and 3717 (interest and penalty on claims); see also 47 CFR §§ 1.1911, 1.1912, and 1.1940.

<sup>14</sup> As noted at Attachment B, if the 30th day falls on a non-business day, payment must be received on the next business day.

considered delinquent and administrative charges (incurred for processing and handling delinquent debts),<sup>15</sup> interest,<sup>16</sup> and penalties<sup>17</sup> will accrue beginning from that date. Interest accrues at a minimum annual rate established annually by the United States Treasury in accordance with 31 U.S.C. § 3717.<sup>18</sup> A penalty of six percent (6%) accrues on any portion of the debt that remains unpaid for more than 90 days from the Due Date.<sup>19</sup> However, the Commission will waive payment of the accrued interest, if the full amount of the debt is paid within 30 days of the Due Date.<sup>20</sup> In addition to these charges, the Commission may initiate administrative offset<sup>21</sup> and it may refer the delinquent debt to the United States Treasury or the Department of Justice (“DOJ”) for further collection action.<sup>22</sup> The United States Treasury will impose an additional administrative collection charge,<sup>23</sup> and it may also commence administrative offset.<sup>24</sup> An additional surcharge may be imposed, if DOJ initiates judicial action to recover judgment.<sup>25</sup> Furthermore, any portion of the debt that is unpaid after the Due Date is a delinquent debt, which will trigger application of the Commission’s red light procedures at 47 CFR § 1.1910.

### **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), NE Colorado Cellular, Inc. is ASSESSED a final 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 CFR §§ 1.2104 and 1.2106, NE Colorado Cellular, Inc.’s interim bid withdrawal payment or funds on deposit will be applied towards the sum of the final bid withdrawal payment.

IT IS FURTHER ORDERED that NE Colorado Cellular, Inc.’s debt of \$345,600.00 is payable in full and without further demand, and it must be paid within 30 days of the date of this Order (the Due Date), in accordance with the payment instructions in Attachment B, and any portion of the debt unpaid

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<sup>15</sup> 31 U.S.C § 3717(e)(1); 47 CFR § 1.1940(c).

<sup>16</sup> 31 U.S.C. § 3717(b); 47 CFR § 1.1940(b).

<sup>17</sup> 31 U.S.C. § 3717(e); 47 CFR § 1.1940(d).

<sup>18</sup> 47 CFR § 1.1940(b).

<sup>19</sup> 31 U.S.C. § 3717(e)(2); 47 CFR § 1.1940(d).

<sup>20</sup> 31 U.S.C. § 3717(d); 47 CFR § 1.1940(g).

<sup>21</sup> 47 CFR § 1.1912. Under this provision, the Commission may refer the debt to the United States Treasury for centralized administrative offset whereby, subject to certain exceptions, money otherwise payable to the debtor by the United States government may be used to satisfy the debt. In addition, “unless otherwise prohibited by law,” the Commission may conduct non-centralized, ad hoc case-by-case offsets when centralized offset is unavailable or inappropriate. 47 CFR § 1.1912(c).

<sup>22</sup> 31 U.S.C. §§ 3711(g); 3716; 28 U.S.C. § 3001, et seq.; 47 CFR § 1.1912. Transfer may be made without further notice at any time after the Due Date.

<sup>23</sup> 31 U.S.C. § 3717(e); 31 CFR § 285.12(j).

<sup>24</sup> 31 U.S.C. § 3716; 47 CFR § 1.1912(b) (mandatory centralized administrative offset).

<sup>25</sup> 28 U.S.C. § 3011.

after the Due Date is delinquent, and under 31 U.S.C. § 3717, administrative charges, interest, and penalties will accrue.

IT IS FURTHER ORDERED that this Order and a FCC Remittance Advice Form (FCC Form 159, Version 2/03) shall be sent to NE Colorado Cellular, Inc. 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  
Senior Deputy Chief and Chief Counsel  
Auctions Division  
Office of Economics and Analytics

Attachments

**ATTACHMENT A**

**Final Bid Withdrawal Payment Report**

| <b>License<br/>Number<br/>Frequency<br/>Block</b> | <b>Withdrawn<br/>Gross Bid<br/>Auction 97</b> | <b>Withdrawn Net<br/>Bid<br/>Auction 97</b> | <b>Winning<br/>Gross Bid<br/>Auction 113</b> | <b>Winning Net<br/>Bid<br/>Auction 113</b> | <b>Difference<br/>Between<br/>Withdrawn Bid<br/>Amount and<br/>Final Bid<br/>Amount in<br/>Subsequent<br/>Auction</b> | <b>Final<br/>Withdrawal<br/>Payment</b> |
|---------------------------------------------------|-----------------------------------------------|---------------------------------------------|----------------------------------------------|--------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| AW-CMA353-G                                       | \$1,454,000.00                                | \$1,454,000.00                              | \$963,000.00                                 | \$963,000.00                               | \$491,000.00                                                                                                          | \$491,000.00                            |

|                                                                    |                     |
|--------------------------------------------------------------------|---------------------|
| Final Bid Withdrawal Payment                                       | \$491,000.00        |
| Less Total of Interim Withdrawal<br>Payment and Amounts on Deposit | \$145,400.00        |
| <b>Outstanding Balance Due on Final<br/>Withdrawal Payment</b>     | <b>\$345,600.00</b> |

**ATTACHMENT B**

**Payment Instructions**

The following information is being provided to assist you in making your payment.

All payments must be made in U.S. currency in the form of a wire transfer. No personal checks, cashier's checks or other forms of payment will be accepted. Wire transfer payments must be received by 6:00 PM Eastern Time, no later than thirty days from the date of this ORDER; however, if the 30th day falls on a non-business day, e.g., Saturday, Sunday or holiday, it is due the next business day. Applicants must allow sufficient time for the wire transfer to be initiated and for the transmission to be completed prior to the deadline. To submit funds by wire, applicants will need the following information to properly effect the transmittal:

Routing Number: 021030004  
Receiving Bank: TREAS NYC  
33 Liberty Street  
New York, NY 10045  
ACCOUNT NAME: FCC  
45 L Street, NE, 4<sup>th</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: ("D113")  
APPLICANT NAME AND PHONE NUMBER OR EMAIL ADDRESS

The Commission will credit any such payment based on the information accompanying the wire transfer.

Any questions concerning payments should be directed to the 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.