



PUBLIC NOTICE

**FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET, N.W.
WASHINGTON, D.C. 20554**

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**DA 96-1235
August 6, 1996**

AUCTION OF BROADBAND PERSONAL COMMUNICATIONS SERVICE (D, E AND F BLOCKS)

Status of Applications to Participate in Auction

Report No. AUC-96-11-E (Auction No. 11)

The Federal Communications Commission (FCC) has received 204 timely-filed FCC Form 175 applications to participate in an auction scheduled to begin on Monday, August 26, 1996, for 1,479 licenses to provide broadband Personal Communications Service (PCS) on the D, E and entrepreneurs' F frequency blocks. The applications have been reviewed for completeness and compliance with the Commission's rules, and have been classified into the following categories:

- **ACCEPTED FOR FILING 159 APPLICATIONS**
- **INCOMPLETE 44 APPLICATIONS**
- **UNACCEPTABLE FOR FILING 1 APPLICATION**

Applications classified as accepted for filing are listed alphabetically in Attachment A. These applicants will become qualified bidders upon receipt of the required upfront payment by August 12, 1996, as discussed below. They need take no further action with respect to their applications except as may be necessary to keep their applications up-to-date. See 47 C.F.R. §§ 1.65, 1.2106 and 24.706.

Applications classified as incomplete are listed alphabetically in Attachment B. These applicants will become qualified bidders only if they (1) resubmit their applications by 5:30 p.m. EDT on Monday, August 12, 1996, to correct the minor deficiencies indicated, and (2) make the required upfront payments by August 12, 1996, as discussed below. They must also keep their applications up-to-date as required. See 47 C.F.R. §§ 1.65, 1.2106, 24.706 and 24.822.

(NOTE: Applications in Attachment B marked by # are incomplete only with respect to the F-block frequencies. If they do not resubmit to correct their deficiencies, they will be accepted for purposes of the D- and E-block licenses applied for only, and will be ineligible to bid on F-block licenses.)

The one application classified as unacceptable for filing is listed in Attachment C. This and any other late-filed applications will be dismissed with no opportunity to resubmit, and the applicants will not become qualified bidders. See 47 C.F.R. §§ 24.820 and 24.822.

Waiver requests: Some applications include waiver requests (either in the waiver data field or in exhibits) that may affect the applicants' qualifications to hold PCS licenses in particular Basic Trading Areas (BTAs) or in frequency block F, or eligibility for the special F-block financial provisions. These applications are indicated by asterisks in Attachments A and B; their acceptance is conditioned on our resolution of the waiver requests.

Confidentiality requests: Several applicants requested confidentiality for certain information in their exhibits. These applications are accepted conditioned on the disposition of the requests. Ultimately, however, applicants may be required to make this information publicly available.

RESUBMISSION FILING DEADLINE

Corrected FCC Form 175 applications must be filed no later than 5:30 p.m. EDT on Monday, August 12, 1996. This will be the only opportunity to cure FCC Form 175 defects, and late resubmissions will not be accepted.

As described more fully in the Commission's rules, applicants may make only minor corrections to their FCC Form 175; major modifications (*e.g.*, changing the markets applied for, changing control of the applicant, changing the certifying official or signing a manual application) will not be accepted. See 47 C.F.R. §§ 24.820 and 24.822.

Applicants who filed their FCC Form 175 applications electronically must resubmit their corrected applications electronically. Applicants who filed their FCC Form 175 applications manually may resubmit their corrected applications either manually or electronically, but must resubmit electronically if they wish to bid electronically.

Manual Resubmission:

Manual resubmissions, whether mailed, hand delivered or sent by private courier, must be delivered to:

FCC Form 175 Filing, Auction No. 11
Federal Communications Commission
Office of Operations
1270 Fairfield Road
Gettysburg PA 17325-7245

NOTE: Manual resubmissions delivered to any other location or received after the deadline will not be considered properly filed, and will be returned without consideration.

Manual resubmissions must consist of a new FCC Form 175, complete in all respects including exhibits, correcting the identified deficiencies and signed with an original signature. In addition, corrected applications consisting of more than five pages must include either three microfiche copies of the complete application (see 47 C.F.R. § 24.806(e)), or a 3.5-inch diskette containing ASCII text (.TXT) files of all exhibit documentation attached to the FCC Form 175.

Electronic Resubmission of Manual Applications:

Manual filers may resubmit their corrected FCC Form 175 applications electronically, either to correct deficiencies or in order to become eligible to bid electronically. In either case, however, manual filers must first obtain login codes and passwords that will let them access and amend their applications on-line. To do so, either the certifying official or one of the authorized representatives (as shown on the FCC Form 175) **MUST APPEAR IN PERSON** during normal business hours at the FCC Auction Headquarters, 2 Massachusetts Avenue, N.E., Washington, D.C., with two forms of identification, one of which must include a photograph. See Tab C, Part 1 of the Bidder Information Package for information about the FCC Form 175 filing software.

UPFRONT PAYMENT DEADLINE

Upfront payments and accompanying FCC Remittance Advice (FCC Form 159s) for this auction are due at Mellon Bank, Pittsburgh, Pennsylvania, on Monday, August 12, 1996. Payments by wire transfer (the payment method the Commission strongly encourages) must be received at Mellon Bank by 6:00 p.m. EDT on the due date; payments by cashier's check must be received by 11:59 p.m. EDT on the due date. No other payment method is acceptable for this auction. See Tab B, Part 3.C of the Bidder Information Package for detailed upfront payment instructions.

Applicants who have filed applications classified by this public notice as incomplete must submit timely upfront payments in order for the Commission to review their resubmitted applications. If such an application remains incomplete following its resubmission, it will be dismissed; the upfront payment will be refunded automatically if the applicant has provided its Taxpayer Identification Number and wire transfer instructions.

OTHER IMPORTANT INFORMATION

- **Qualified bidders:** A final public notice listing all applicants qualified to bid at the auction will be released after upfront payments have been received, resubmitted FCC Form 175 applications have been processed and reviewed, and payments and applications have been correlated.
- **Anti-collusion rule:** As of the August 1, 1996 short-form filing deadline, applicants are generally prohibited from communicating with other applicants for the same BTAs—even for different licenses in the same BTA (e.g., D, E and F in the same BTA)—regarding bids, bidding strategies or settlements. The only exception is where applicants entered into a bidding agreement before the August 1 short-form filing deadline and disclosed the existence of the agreement in the short-form application. In addition, applicants are reminded that they

are subject to the antitrust laws, which are designed to prevent anti-competitive behavior in the marketplace. Winning bidders will be required to disclose in their long-form applications (FCC Form 600) the specific terms, conditions and parties involved in all bidding consortia, joint ventures, partnerships and other arrangements entered into relating to the competitive bidding process. Bidders found to have violated the anti-collusion rule may be subject to sanctions. See 47 C.F.R. §§ 1.2105(c), 1.2107(d) and 1.2109(d).

- **Ex parte rule:** Applicants should also be aware that the Commission has generally exempted auction proceedings from the strict requirements of the *ex parte* rule (47 C.F.R. § 1.1208). See "Commission Announces that Mutually Exclusive 'Short-Form' Applications (Form 175) to Participate in Competitive Bidding Process ('Auctions') Are Treated as Exempt for Ex Parte Purposes," *Public Notice*, 9 FCC Rcd 6760 (1994).

- **Bidder information packages:** Applicants who do not yet have the Bidder Information Package for this auction (or need additional copies) should call the FCC Wireless Consumer Assistance Branch at 800-322-1117 to order their copies without further delay.

- **Bidder seminar:** Space permitting, all applicants whose FCC Form 175 applications have been accepted for filing are eligible to attend an Auction Workshop and Seminar at the J.W. Marriott Hotel at National Place, 1331 Pennsylvania Avenue, N.W., Washington, D.C., on Thursday, August 8, 1996. A registration form is included at Tab A, Item 5 of the Bidder Information Package. Walk-in attendance may be possible, space permitting.

- **Mock auction:** Likewise, all applicants whose short-form applications have been accepted for filing are eligible to participate in a mock electronic auction beginning on Tuesday, August 20, 1996. When software for the mock auction is posted for down-loading, its availability will be announced by public notice available on-line.

- **Remote bidding software:** Applicants are reminded that qualified bidders who filed (or amend) their short-form applications electronically are eligible to bid either electronically or telephonically, whereas manual filers may bid only by telephone. To ensure timely delivery of remote bidding software before the auction begins, the Commission must receive software orders by 5:30 p.m. EDT on Friday, August 16, 1996. An order form is included at Tab A, Item 6 of the Bidder Information Package.

For additional information regarding this public notice, please contact Mark Bollinger or John Spencer, Auctions Division, Wireless Telecommunications Bureau, at 202-418-0660.

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Note: The attachments to this document will not be published in the FCC Record.