

**Federal Communications Commission**

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the matter of )  
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Amendment of Parts 1, 21, 22, 24, 25, 27, 73, 74, )  
80, 90, 95, 100, and 101 of the Commission Rules )  
– Competitive Bidding )  
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**SECOND ERRATUM**

**Released: May 8, 2002**

By the Chief, Auctions and Industry Analysis Division:

This erratum makes minor corrections to the text and final rules of the *Order*, DA 02-847, released on April 11, 2002.<sup>1</sup> These corrections to the *Order* are technical and ministerial edits made to change cross-references to rules that have been eliminated or redesignated, and to correct errors pursuant to the Wireless Telecommunications Bureau’s (“Bureau”) delegated authority under section 0.331(d) to make ministerial conforming edits.<sup>2</sup> The *Order* has not yet been published in the FCC Record and its summary has not yet been published in the Federal Register. Accordingly, the corrections set forth in this erratum shall be incorporated into the text of the *Order* prior to such publication.

1. Paragraph 18 is modified by adding sections 24.714(e), 24.714(f), 24.720(m)(4), and 24.720(o) to the list of rules that have been removed or modified.
2. Paragraph 18 is modified by adding the section 24.720(o) to the list of rules that have been corrected pursuant to the Bureau’s authority under section 0.331(d) of the Commission’s rules.<sup>3</sup>
3. In the Appendix of the *Order*, section 24.714 is modified by adding the redesignation of paragraphs (e) and (f) as paragraphs (d) and (e).
4. In the Appendix of the *Order*, section 24.720(h)(4) is modified to read as follows: “The term *person* shall be defined as in section 13(d) of the Securities and Exchange Act of 1934, as amended (15 U.S.C. 78(m)), and shall also include investors that are commonly controlled under the indicia of control set forth in the definition of *affiliate* in section 1.2110(c)(5) of the Commission’s rules.”
5. In the Appendix of the *Order*, the note that appears immediately following section 24.720(j) is revised to read: “NOTE to paragraph (j): In applying the term *existing investor* to *de minimis* interests in preexisting entities obtained or increased after November 10, 1994, the Commission will scrutinize any

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<sup>1</sup> Amendment of Parts 1, 21, 22, 24, 25, 26, 27, 73, 74, 80, 90, 95, 100, and 101 of the Commission’s Rules – Competitive Bidding, *Order*, DA 02-847 (rel. April 11, 2002).

<sup>2</sup> 47 C.F.R. § 0.331(d).

<sup>3</sup> *Id.*

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significant restructuring of the *preexisting entity* that occurs after that date and will presume that any change of equity that is five percent or less of the *preexisting entity's* total equity is *de minimis*. The burden is on the applicant (or licensee) to demonstrate that changes that exceed five percent are not significant.”

FEDERAL COMMUNICATIONS COMMISSION

Margaret Wiener  
Chief, Auctions and Industry Analysis Division