



NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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FCC ADOPTS ORDER GRANTING RELIEF TO ELIGIBLE AUCTION NO. 35 BIDDERS

Washington, DC – The FCC today announced that eligible Auction No. 35 winning bidders that request dismissal of their pending applications will be relieved of their bid obligations and receive a full refund of their deposits.

The relief granted today applies only to Auction No. 35 winning bidders of licenses for C and F block Personal Communications Services spectrum that had previously been licensed to NextWave Personal Communications Inc., NextWave Power Partners Inc., or Urban Comm-North Carolina, Inc.

On March 26, 2002, the Commission adopted an Order refunding approximately \$2.8 billion to the Auction No. 35 winning bidders that had not yet received their licenses, but it retained an amount equal to three percent of the net winning bids for these licenses and maintained the pending status of the applications for these licenses. On September 12, 2002, the Commission issued a Public Notice asking for comment on possible options for further action concerning the pending license applications.

In an Order adopted today, the Commission announced it will waive default rules for bidders that elect the relief granted today. The Order also imposes no restrictions on electing bidders' ability to acquire such spectrum in future auctions. Eligible winning bidders must make an election not later than 45 days from the release of today's Order, which also includes procedures for requesting dismissal and refunds and Department of Justice approval.

The Commission said that although the Commission is under no legal obligation to provide relief to these entities, the public interest is served by this plan of relief, which provides eligible Auction No. 35 winners an opportunity for finality and certainty. Noting that the telecommunications industries have been undergoing serious economic difficulties, the Commission said that granting this relief to Auction No. 35 bidders may help consumers by promoting greater stability in the wireless sector and allowing the companies to redirect their capital and focus their resources on providing communications services.

Action by the Commission November 14, 2002, by Order and Order on Reconsideration (FCC 02-311). Chairman Powell, Commissioners Abernathy and Copps, with Commissioner Martin approving in part and dissenting in part; Chairman Powell and Commissioners Abernathy and Martin issuing separate statements.

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