



PUBLIC NOTICE

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AUCTION OF 24 GHz UPPER MICROWAVE FLEXIBLE USE SERVICE LICENSES FOR NEXT-GENERATION WIRELESS SERVICES

38 APPLICANTS QUALIFIED TO BID IN AUCTION 102

AU Docket No. 18-85

1. In this Public Notice, the Wireless Telecommunications Bureau (WTB) and the Office of Economics and Analytics (OEA) identify 38 applicants found to be qualified to bid in Auction 102.¹ Auction 102 will offer 2,909 Upper Microwave Flexible Use Service (UMFUS) licenses in the 24.25–24.45 and 24.75–25.25 GHz (24 GHz) band. Bidding in the clock phase of Auction 102 is scheduled to begin on March 14, 2019.² This Public Notice contains bidding instructions and other important information regarding Auction 102. It also addresses the continuing obligations and auction procedures for all Auction 102 applicants, including those that have been deemed not qualified to bid.

I. QUALIFIED AND NON-QUALIFIED BIDDERS

2. Each Auction 102 applicant whose short-form application to participate in Auction 102 (FCC Form 175) had previously been deemed to be complete could become qualified to bid after making a timely and sufficient upfront payment.³ Following reconciliation of upfront payments, applications for Auction 102 have been classified into the categories listed below.

Qualified.....	38 applications
Non-Qualified	22 applications

¹ A copy of this Public Notice will be sent by overnight delivery to the contact person listed on the FCC Form 175 for each Auction 102 applicant.

² *Upfront Payment Deadline and Instructions and Other Dates for the Auction of 24 GHz Upper Microwave Flexible Use Service Licenses (Auction 102); Upfront Payments Due by February 19, 2019; Bidding in Auction 102 Scheduled to Begin on March 14, 2019*, Public Notice, DA 19-24 at 1 (WTB/OEA Jan. 31, 2019) (*Auction 102 Upfront Payment Public Notice*).

³ *See Auction of 24 GHz Upper Microwave Flexible Use Service Licenses for Next-Generation Wireless Services; Applications of 58 Applicants for Auction 102 Deemed to be Complete*, Public Notice, DA 18-1116 at 1, para. 2 (WTB Oct. 31, 2018) (*Auction 102 Complete Applications Public Notice*); *Auction of Upper Microwave Flexible Use Licenses for Next-Generation Wireless Services; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auctions 101 (28 GHz) and 102 (24 GHz); Bidding in Auction 101 Scheduled to Begin November 14, 2018*, Public Notice, 33 FCC Rcd 7575, 7587, para. 27 (2018) (*Auctions 101 and 102 Procedures Public Notice*).

3. **Qualified Bidders.** Attachment A to this Public Notice lists the name of each of the 38 qualified bidders. Attachment A also indicates whether the applicant has claimed eligibility for a rural service provider or small business bidding credit. For those claiming a small business status, the attachment lists each qualified bidder's claimed bidding credit revenue range.⁴ Designation of an applicant as qualified to bid in the auction indicates that the applicant has provided the certifications and information concerning its qualifications for participation in the auction, and that the applicant timely submitted a sufficient upfront payment as required by the Commission's competitive bidding rules.⁵

4. In order to participate effectively in the auction, each qualified bidder should carefully review the auction rules, procedures, and other information described in the *Auctions 101 and 102 Procedures Public Notice* and subsequent public notices.⁶ These public notices and other documents related to Auction 102 are available on the Auction 102 website under the "Releases" section at www.fcc.gov/auction/102. This Public Notice provides additional guidance.

5. **Non-Qualified Applicants.** Attachment B to this Public Notice lists each applicant that submitted an FCC Form 175 but did not qualify to bid in Auction 102. All applicants, including those that have been deemed not qualified to bid, remain subject to the Commission's rules prohibiting certain communications in connection with Commission auctions.⁷

II. REGISTRATION AND ACCESS TO THE AUCTION BIDDING SYSTEM

A. Registration Materials

6. All qualified bidders have been automatically registered for the auction. Registration materials will be sent by overnight delivery to the contact person at the contact person's address identified in the qualified bidder's FCC Form 175.⁸ Upon receipt, each qualified bidder should possess the following:

⁴ We note that one applicant, Western Independent Networks, Inc. -OR, changed its eligibility selection for the small business bidding credit from 25 percent to 15 percent.

⁵ See 47 CFR §§ 1.2105, 1.2106, 1.2112. Under the Commission's two-phased auction application process, a winning bidder must submit a long-form application (FCC Form 601) after the close of bidding in an auction to demonstrate its qualifications to hold a Commission license and, if a bidding credit is requested, its eligibility for the requested bidding credit. Thus, a determination that a short-form application (FCC Form 175) to participate in Auction 102 is complete and complies with the Commission's competitive bidding rules and policies is not determinative of an applicant's qualifications to hold a license or entitlement to a bidding credit. See 47 CFR §§ 1.2107-1.2109; *Implementation of Section 309(j) of the Communications Act – Competitive Bidding*, Second Report and Order, 9 FCC Rcd 2348, 2376-77, paras. 163-68 (1994). Commission staff generally considers an applicant's qualifications and eligibility for a bidding credit after the auction during the long-form application process. If an applicant is found unqualified to be a Commission licensee or ineligible for any claimed bidding credit, it will be liable for any obligations incurred as a result of its participation in the auction. See generally 47 CFR § 1.2109.

⁶ See generally *Auctions 101 and 102 Procedures Public Notice*, 33 FCC Rcd 7575; *Auction 102 Complete Applications Public Notice*, DA 18-1116; *Auction 102 Upfront Payment Public Notice*, DA 19-24.

⁷ See 47 CFR § 1.2105(c); *Auctions 101 and 102 Procedures Public Notice*, 33 FCC Rcd at 7599, para. 59 n.137.

⁸ This package will require a signature for delivery to confirm receipt by the applicant. The person signing for the package does not need to be the contact person identified in the qualified bidder's short-form application.

- At least two RSA SecurID® tokens (RSA Tokens);⁹
- A web address and instructions for accessing and logging in to the FCC clock auction bidding system;
- An FCC assigned username (user ID) for each authorized bidder; and
- FCC Auction Bidder Line telephone number.

7. A qualified bidder must have the above-referenced registration materials to participate in the mock auction and to bid in the clock phase of Auction 102.¹⁰ Any qualified bidder listed in Attachment A of this Public Notice that has not received the registration mailing **by 12:00 noon Eastern Time (ET) on Wednesday, March 6, 2019**, must contact the Auctions Hotline at (717) 338-2868. Receipt of the registration mailing is crucial to participating in the clock phase mock and actual auction bidding. Each qualified bidder is responsible for ensuring that it has received all of the registration materials.

8. Each qualified bidder is solely responsible for ensuring the security and functionality of its computer systems, Internet connection(s), and its registration materials, in addition to ensuring that only its authorized bidders place bids on its behalf. The Commission assumes no responsibility or liability for these matters. **WARNING: Any unauthorized entity accessing or tampering with an FCC or other government computer system will be prosecuted to the full extent of the law.**

B. Registration Material Replacement

9. In the event that a qualified bidder's RSA tokens are lost or damaged, only a person who has been designated as an authorized bidder, the contact person, or the certifying official on the applicant's FCC Form 175 may request replacements. To request replacement of these items, call the Auction Bidder Line at the telephone number provided in the registration materials, or the Auctions Hotline at (717) 338-2868.

C. Access to the Bidding System

10. The Commission will conduct the mock auction and bidding in the clock phase of Auction 102 electronically over the Internet and will provide the option of telephonic bidding using the Auction Bidder Line. Each qualified bidder will receive in its registration materials the web address for accessing the bidding system and the phone number for the Auction Bidder Line.

11. Each authorized bidder must have its own RSA token to bid electronically or by telephone in the mock auction and clock phase of Auction 102. For security purposes, the RSA tokens and the instructions for using them are sent only to the contact person at the contact address listed on the qualified bidder's FCC Form 175. Please note that each RSA token is tailored to a specific auction and for a specific authorized bidder. RSA tokens issued for other auctions or obtained from a source other than the Commission will not work for Auction 102.

⁹ Each qualified bidder has been issued either two or three RSA tokens depending on the number of persons it identified on its FCC Form 175 as authorized to bid on behalf of the qualified bidder (authorized bidders). A bidder with three authorized bidders has been issued three RSA tokens. A bidder with one or two authorized bidder(s) has been issued an RSA token for each of its authorized bidders, plus one extra RSA token. The extra RSA token cannot be used unless the contact person, certifier, or an authorized bidder for the qualified bidder contacts the FCC to activate the extra token for a specific additional authorized bidder or for an authorized bidder whose RSA token has been lost or damaged.

¹⁰ The contact person is responsible for distributing each RSA token to the specific authorized bidder associated with each token, as well as the relevant information in the registration materials necessary for the authorized bidder to set up its access to the bidding system.

12. All bidders should carefully review the FCC Auction 102 Clock Phase Bidding System User Guide, which is available on the “Education” section of the Auction 102 website at www.fcc.gov/auction/102, and will remain available and accessible on the Auction 102 website for reference.

13. There are minimum system requirements for accessing the FCC clock auction bidding system. Bidders must access the FCC clock auction bidding system over the Internet. The following software is required to use the FCC clock auction bidding system:

- Web browser, either of the following is recommended:
 - A recent version of Google Chrome™ (preferred) or Microsoft® Edge (the browser must be configured to accept cookies and JavaScript)
- Operating system:
 - Microsoft® Windows® 8.1, or Windows® 10; or Apple® Mac OS X® 10.13 or higher
- Access to the Internet
- 1920 x 1080 screen resolution¹¹

Smartphones and tablets are not supported.

14. Users should test their computer configurations and browser(s) with the FCC clock auction bidding system in advance of the auction—for example, during the mock auction. Any user attempting to access the FCC clock auction bidding system with a computer configuration or device that does not meet the requirements listed in the user guide is solely responsible for any resulting failure to access the clock auction bidding system, failure to do so in a timely manner, or failure of the bidding system to process the user’s attempted bidding or other actions (even if it appears to the user that such actions were completed properly).

15. Any bidder may use the Auction Bidder Line as an alternative method of bidding in Auction 102.¹² The mock auction provides an opportunity for bidders to try to bid using the Auction Bidder Line and to become familiar with that process and the time required.

16. Qualified bidders choosing to bid telephonically during the mock auction and Auction 102 should initiate their calls as early as possible during a round. Telephonic bid assistants must use a script, and the length of a call to place bids may vary depending on the complexity and number of bids.¹³

17. RSA tokens can be recycled.¹⁴ We strongly encourage bidders to return the tokens to the Commission. We will provide pre-addressed envelopes for returning the tokens once bidding is closed.

¹¹ Other screen sizes will work, but a minimum of 1920 x 1080 is required to fit all of the information on a single screen without horizontal scrolling. If all of the information from the clock auction bidding system cannot fit on your display, you can either zoom out using your Internet browser or scroll right and left using the scroll bars. To adjust the zoom, hold down the control (“ctrl”) key and use the “+” and “-” keys to zoom in and out.

¹² The Auction Bidder Line telephone number will be supplied in the registration materials sent to each qualified bidder.

¹³ Because the length of a call to place bids may vary, the bidder should initiate its call a minimum of 10 minutes prior to the scheduled end of the bidding round.

¹⁴ An RSA token can only be recycled if it is returned to the Commission in good condition with nothing written or glued on it.

D. Bidding Contingency Plan

18. Prior to the start of the auction, each bidder should develop comprehensive contingency plans that can be quickly implemented in case difficulties arise when participating in the auction. While the Commission will correct any problems within Commission-controlled facilities, each bidder is solely responsible for anticipating and overcoming problems such as bidder computer failures or other technical issues; loss of or problems with data connections, telephone service, or power; adverse local weather conditions; unavailability of its authorized bidders; or the loss or breach of confidential security codes.

19. A qualified bidder should ensure that each of its authorized bidders can access and place bids in the FCC auction bidding system, without relying upon the same computer to do so. Contingency plans will ideally include arrangements for accessing and placing bids in the bidding system from one or more alternative locations.

20. We remind bidders that their contingency plans might include, among other arrangements, calling the Auction Bidder Line. If a bidder encounters a situation in which it must implement its backup plan and call the Auction Bidder Line, it should do so as soon as possible and as early in the round as possible. Calling at the beginning of a round will help ensure that the call can be completed before the end of the round. Failure to call early in the round may affect the bidder's ability to submit some or all of its bids before the round closes. Even if a bidder does not plan to bid using the Auction Bidder Line, we encourage all bidders to do so at least once during the mock auction.

21. If for any reason a bidder fails to submit all of its bids before the round closes, it may lose some or all of its bidding eligibility.¹⁵ If a bidder loses all of its bidding eligibility, it will no longer be able to bid in the auction. The Commission will not be able to restore any portion of a bidder's lost bidding eligibility.

III. EDUCATIONAL MATERIALS AND IMPORTANT UPCOMING EVENTS AND DATES FOR AUCTION 102 QUALIFIED BIDDERS

22. Below we provide information regarding the availability of educational and informational materials, and the opportunity for qualified bidders to participate in a mock auction prior to the start of bidding in the clock phase of Auction 102.

A. FCC Auction 102 Clock Phase Bidding System User Guide

23. The FCC Auction 102 Clock Phase Bidding System User Guide, which describes the features and functionality of the bidding system that will be used in the clock phase of Auction 102, is available in the "Education" section of the Auction 102 website at www.fcc.gov/auction/102. The user guide will remain accessible on the Auction 102 website for reference. Bidders are encouraged to read the user guide prior to participating in the mock auction in order to familiarize themselves with the clock auction bidding system.

B. Clock Phase Bidding Tutorial

24. A tutorial available online provides information about the procedures for the clock phase as well as how the bidding system reflects those procedures. The tutorial allows viewers to navigate the presentation outline, review written notes, listen to an audio recording of the notes, and search for topics

¹⁵ See *Auctions 101 and 102 Procedures Public Notice*, 33 FCC Rcd at 7650, para. 244 ("We point out that our clock auction, bidders are required to indicate their demands in every round, even if their demands at the new round's prices are unchanged from the previous round. Missing bids—bids that are not reconfirmed—are treated by the auction bidding system as requests to reduce to a quantity of zero blocks for the category. If these requests are applied, or applied partially, a bidder's bidding activity, and hence its bidding eligibility for the next round, will be reduced.").

using a text search function. Additional features of this web-based tool include links to auction-specific Commission releases, email links for contacting Commission auctions and licensing staff, and screen shots of the clock auction bidding system. The online tutorial is accessible from the Auction 102 website through a link in the “Education” section. The tutorial will remain available and accessible on the Auction 102 website for reference.

C. Clock Phase Mock Auction

25. All qualified bidders in Auction 102 will be eligible to participate in a clock phase mock auction on Monday, March 11, 2019. WTB and OEA strongly encourage each qualified bidder in Auction 102 to participate in the clock phase mock auction as it provides an opportunity for the bidder to bid in simulated clock phase rounds in order to become more familiar with the bidding software, the telephonic bid process, and to test its contingency plans.

26. A qualified bidder can access the clock phase mock auction at the web address provided to qualified bidders in the registration materials. Telephonic bidding will be available as well.

27. For the clock phase mock auction, each qualified bidder will be assigned a randomly-selected set of Partial Economic Areas (PEAs) on which it may bid and eligibility for a specified number of bidding units based on the bidding units associated with these assigned PEAs. A qualified bidder’s assigned PEAs and eligibility in the clock phase mock auction will not represent the actual PEAs for which it is qualified to bid or its eligibility based on its actual upfront payment. A qualified bidder will be assigned the same number of PEAs as it selected on its FCC Form 175, up to a maximum of 100 PEAs. The clock phase mock auction will otherwise follow the rules governing Auction 102. The mock auction will simulate the start of the auction, and is designed to provide experience with the clock auction bidding system, but will not predict actual bidding in the clock phase of the auction. If a bidder fails to submit all of its bids before the round closes, it may lose some or all of its bidding eligibility. If a bidder loses all of its bidding eligibility, it will no longer be able to bid in the mock auction.

28. Each qualified bidder will be able to access its assigned mock auction data through the clock phase mock auction starting at noon Eastern Time (ET) on March 8, 2019. The mock auction bidding schedule for Monday, March 11, 2019 will be as follows:

Mock Bidding Round 1	10:00 a.m. – 11:00 a.m. ET
Mock Bidding Round 2	12:00 p.m. – 1:00 p.m. ET
Mock Bidding Round 3	2:00 p.m. – 3:00 p.m. ET
Mock Bidding Round 4	4:00 p.m. – 4:30 p.m. ET

IV. AUCTION INFORMATION

A. Bidding Schedule

29. Bidding in the clock phase of Auction 102 will begin Thursday, March 14, 2019, with the following schedule:

Bidding Round	10:00 a.m. – 12:00 p.m. ET
Bidding Round	2:00 p.m. – 4:00 p.m. ET

30. The bidding schedule starting on Friday, March 15, 2019, and continuing each business day until further notice, will be:

Bidding Round	10:00 a.m. – 11:00 a.m. ET
Bidding Round	1:00 p.m. – 2:00 p.m. ET
Bidding Round	4:00 p.m. – 5:00 p.m. ET

31. We will set the pace of the auction based upon monitoring of the bidding and assessment of the auction's progress. We will provide notice of any and all subsequent schedule changes by announcement in the FCC clock auction bidding system and the Public Reporting System (PRS) during the course of the auction.

B. Auction Announcements

32. The Commission will post pertinent auction information as announcements in the FCC clock auction bidding system. Each bidder should routinely check for announcements each time it enters the bidding system and should click on and read each announcement carefully. Announcements convey important auction information including—but not limited to—bidding schedule changes.

C. Bid Amounts

33. The minimum opening bid amounts for the licenses available in Auction 102 are set forth in the electronic Attachment A files available in the “Summary” section of the Auction 102 website at www.fcc.gov/auction/102. Clock prices for subsequent bidding rounds will be set by adding a fixed percentage to the previous round's price at an increment of between five and fifteen percent, with the initial increment set at ten percent.¹⁶ The increments may be changed during the auction on a PEA-by-PEA or category-by-category basis based on bidding activity to ensure that the system can offer appropriate price choices to bidders.¹⁷

34. We caution each qualified bidder to place its bids carefully because each bidder assumes a binding obligation to pay the final clock phase price for its winning bids (adjusted by any assignment phase payments) should the bidder become a clock phase winning bidder, even if the bid was mistakenly or erroneously made.¹⁸

D. Watchlists

35. A qualified bidder may create watchlists containing license areas of its own choosing, and license areas may appear in multiple watchlists. A bidder may begin creating its watchlists when access to the bidding system becomes available. Instructions for creating watchlists will be provided in the FCC Auction 102 Clock Phase Bidding System User Guide. Please note that watchlists created in the clock phase mock auction will be for the mock auction only. Bidders will need to create new watchlists for bidding in Auction 102.

E. Round Results

36. Round results will be available approximately 15 minutes after the close of each round. We remind bidders that the results of their bidding are subject to procedures that limit the disclosure of information on bidder interests and identities until after the close of bidding in Auction 102.¹⁹

37. Two types of reports will be available to qualified bidders during the auction: (1) publicly available information, and (2) bidder-specific information available only to that bidder when logged in to the bidding system. The public information will be available on the PRS at <https://auctiondata.fcc.gov>, for which there is a link in the “Results” section of the Auction 102 website at www.fcc.gov/auction/102. When a bidder is logged in to the FCC clock auction bidding system, it will have access to a record of the bids it placed on the Bid Summary screen and will have access to the results

¹⁶ *Id.* at 7651-52, paras. 248-49.

¹⁷ *Id.* at 7652, para. 249.

¹⁸ See 47 CFR § 1.2104(g); *Auctions 101 and 102 Procedures Public Notice*, 33 FCC Rcd at 7657, para. 278.

¹⁹ See *Auctions 101 and 102 Procedures Public Notice*, 33 FCC Rcd at 7596-98, paras. 50-56.

of its bids on the My Results screen. These features can be accessed using the links in the bidding system's navigation bar. This information will also be available for the bidder to download.

38. Detailed instructions for reviewing and downloading round results are provided in the FCC Clock Phase Bidding System User Guide. The user guide is available in the "Education" section of the Auction 102 website at www.fcc.gov/auction/102 and will remain available and accessible on the Auction 102 website for reference.

F. Bidder Questions During Auction 102 and the Mock Auction

39. Commission auction staff and technical support staff will be available during the auction and the mock auction. Only a person who has been designated as an authorized bidder, the contact person, or the certifying official on the qualified bidder's FCC Form 175 should call on behalf of a bidder. When calling, the person should state that he or she is calling on behalf of a bidder with a time-sensitive auction question. To place bids by telephone or to ask questions during the auction, a bidder must use the FCC Auction Bidder Line telephone number supplied in the registration materials and have his or her login information and RSA token available. Otherwise, a bidder should refer to the contact information provided in Section VII (Contact Information), below.

G. Bidder Suggestions

40. A bidder may submit suggestions to the Commission staff concerning Auction 102 or future auctions by using the *messages* feature in the bidding system.²⁰ However, this is not an appropriate mechanism for asking time-sensitive questions that may need an immediate response, such as questions about auction procedures or placing bids. Any time-sensitive questions should be directed to the Auction Bidder Line. Commission staff considers all suggestions but may not always provide an individualized response.

V. APPLICANTS' CONTINUING OBLIGATIONS

A. Duty to Maintain Accurate Information in Short-Form Applications

41. We remind applicants that Sections 1.65 and 1.2105(b)(4) of the Commission's rules require that they maintain the accuracy and completeness of information furnished in their applications to participate in Auction 102.²¹ Each applicant should amend its application to furnish additional or corrected information within five days of a significant occurrence, or no more than five days after the applicant becomes aware of the need for amendment.²² All changes are subject to review by Commission staff.

42. An applicant that needs to make permissible minor changes to its FCC Form 175,²³ or that must make changes in order to maintain the accuracy and completeness of its short-form application

²⁰ To access the *messages* feature, select the Messages link on the navigation pane of the FCC clock auction bidding system. For information on how to use this feature, please see the FCC Clock Phase Bidding System User Guide.

²¹ See 47 CFR §§ 1.65, 1.2105.

²² 47 CFR §§ 1.65, 1.2105.

²³ As described in the Commission's rules, an applicant may make only minor corrections to its short-form application (e.g., changing certain contact information or authorized bidder information). See 47 CFR § 1.2105(b). A major modification includes a change in license area selection, newly claimed or increased bidding credit, or change in control of the applicant. *Id.*; see also, e.g., Letter from Margaret W. Wiener, Chief, Auctions and Spectrum Access Div., and Peter H. Doyle, Chief, Audio Div., FCC, to Koch Broadcasting Corp. and Birach Broadcasting Corp., 21 FCC Rcd 147 (WTB/MB 2006) (dismissing short-form application filed for AM Auction 84 due to major amendment changing control).

during a time when the FCC auction application system is available to the applicant for purposes of making the type of change(s) required, must make such changes to its FCC Form 175 electronically using the FCC auction application system.²⁴ The applicant must also submit a letter briefly summarizing the change(s) to its FCC Form 175 by email to the attention of Margaret Wiener, Chief, Auctions Division, Office of Economics and Analytics, at the following address: auction102@fcc.gov. The letter summarizing the change(s) must include a subject or caption referring to Auction 102 and the name of the applicant, for example, “Re: Changes to Auction 102 Application of XYZ Corp.” Any attachments to the email must be formatted as Adobe® Acrobat® (PDF) or Microsoft® Word documents. An applicant must not submit application-specific material through the Commission’s Electronic Comment Filing System.

43. For more information on an applicant’s continuing obligation to maintain the accuracy and completeness of information furnished in its application to participate in Auction 102, applicants should refer to previous Auction 102 public notices, including the *Auctions 101 and 102 Procedures Public Notice*.²⁵

44. **Availability of Auction 102 Application Information.** All FCC Form 175 applications submitted for Auction 102 during the initial application filing window became publicly available on October 10, 2018.²⁶ Following release of this Public Notice, any modifications to FCC Form 175 applications and other information that were submitted through the FCC auction application system after the initial filing deadline on September 18, 2018, will become publicly available.²⁷ At this time, the FCC auction application system will also become available for applicants to electronically make minor, permissible changes to their applications. We remind each applicant that notified the Commission of changes to its auction application via email during a time when the FCC auction application system was not available to applicants to make such changes electronically that it must update its application in the Auction System to reflect those changes now that the system is again available to applicants.

45. Applicants should note that, going forward, any changes made to their FCC Form 175 applications in the Auction System will become publicly available after submission.

²⁴ An applicant should not use the auction application system outside of the initial and resubmission filing windows to make changes to its short-form application for other than administrative changes. During all phases of the application process, an applicant has electronic access to its Form 175 to make certain administrative changes, including updates to: applicant address, responsible party information, contact information, authorized bidders, and bidding option (telephonic or electronic). Auction applicants are not permitted to make a change to the following data fields after the short-form application filing deadline: applicant name, legal classification, certifier, bidding credit, and license area selection.

²⁵ See *Auctions 101 and 102 Procedures Public Notice*, 33 FCC Rcd at 7617-19, paras. 112-20; see also 47 CFR §§ 1.65, 1.2105(b). Questions about FCC Form 175 amendments should be directed to the Auctions Division at (202) 418-0660 or by email to auction102@fcc.gov.

²⁶ See *Auctions of Upper Microwave Flexible Use Licenses for Next-Generation Wireless Services; Status of Short-Form Applications to Participate in Auctions 101 (28 GHz) and 102 (24 GHz)*, Public Notice, DA 18-1035, Attachs. A, B. Consistent with the Commission’s limited information procedures in place for Auction 102, the following application information will continue to be withheld from public disclosure until after the close of the auction: an applicant’s license area selections, the amount of any upfront payment made by or on behalf of an applicant, any information on an applicant’s bidding eligibility, and any other bidding-related information that might reveal the identity of the bidders placing bids and taking other bidding-related actions. *Auctions 101 and 102 Procedures Public Notice*, 33 FCC Rcd at 7596-98, paras. 50-56.

²⁷ To access the FCC auction application system to make changes to an FCC Form 175, go to <https://auctionsignon.fcc.gov> (primary location) or <https://auctionsignon2.fcc.gov> (secondary location).

B. Due Diligence

46. We remind each potential bidder that it is solely responsible for investigating and evaluating all legal, technical, and marketplace factors and risks associated with the licenses that it is seeking in Auction 102; evaluating the degree to which those factors and risks may have a bearing on the value of the licenses being offered and/or affect the bidder's ability to bid on, otherwise acquire, or make use of such licenses; and conducting any technical analyses necessary to assure itself that, if it wins any license(s), it will be able to build and operate facilities in accordance with the Commission's rules.²⁸ In addition, each potential bidder's due diligence efforts should include, among other things: (1) reviewing all Commission orders and public notices establishing rules and policies for the UMFUS bands;²⁹ (2) conducting research to determine the existence of any pending administrative or judicial proceedings, including pending allocation rulemaking proceedings, that might affect its decision to participate in the auction;³⁰ (3) performing (or refreshing previous) technical analyses; and (4) inspecting any prospective transmitter sites located in, or near, the service area for which it plans to bid and confirming the availability of such sites and their conformance with applicable federal, state, and local land use requirements.³¹ Each potential bidder must undertake its own assessment of the relevance and importance of information gathered as part of its due diligence efforts.

47. The Commission makes no representations or warranties about the use of this spectrum for particular services. Applicants should be aware that an FCC auction represents an opportunity to become an FCC licensee, subject to certain conditions and regulations. Participants in Auction 102 should continue such research throughout the auction. For further details regarding due diligence, please refer to the *Auctions 101 and 102 Procedures Public Notice*, Section III.A (Due Diligence).³²

C. Prohibited Communications

48. WTB and OEA remind applicants that the rules prohibiting certain communications set forth in Section 1.2105(c) of the Commission's rules apply to each applicant that filed a short-form application (FCC Form 175) in Auction 101 and/or Auction 102.³³ Section 1.2105(c)(1) provides that, subject to specified exceptions, after the deadline for filing a short-form application, "all applicants are prohibited from cooperating or collaborating with respect to, communicating with or disclosing, to each other or any nationwide provider [of communications services] that is not an applicant, or, if the applicant

²⁸ See *Auctions 101 and 102 Procedures Public Notice*, 33 FCC Rcd at 7619-20, paras. 121-25.

²⁹ For additional information concerning the UMFUS rules and policies governing licenses available in Auction 102, applicants should refer to orders, public notices, and other releases in GN Docket No. 14-177 and AU Docket No. 18-85.

³⁰ Pending and future administrative and judicial proceedings may relate to particular applicants or the licenses available in Auction 102 (or the terms and conditions thereof, including all applicable Commission rules and regulations), and each prospective applicant is responsible for assessing the likelihood of the various possible outcomes and for considering the potential impact on licenses available in this auction. The Commission's statutory authority under the Communications Act of 1934, as amended, to add, modify and eliminate rules governing spectrum use, as the public interest warrants, applies equally to all licenses, whether acquired through the competitive bidding process or otherwise. See 47 U.S.C. § 309(j)(6)(C)-(D); *Cellco P'ship v. FCC*, 700 F.3d 534, 542 (D.C. Cir. 2012); *Celtronix Telemetry, Inc. v. FCC*, 272 F.3d 585, 589 (D.C. Cir. 2001).

³¹ See, e.g., 47 U.S.C. §§ 332(c)(7), 1455(a); *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, Report and Order, 29 FCC Rcd 12865 (2014).

³² *Auctions 101 and 102 Procedures Public Notice*, 33 FCC Rcd at 7619-20, paras. 121-25; see also *Wireless Telecommunications Bureau Releases Updated List of Licenses to Be Offered in Auction 102 (24 GHz); Announces Adjustment to the Categories and Number of Generic License Blocks*, Public Notice, 33 FCC Rcd 8091 (2018).

³³ *Auctions 101 and 102 Procedures Public Notice*, 33 FCC Rcd at 7598, para. 57; see also 47 CFR § 1.2105(c).

is a nationwide provider, any non-nationwide provider that is not an applicant, in any manner the substance of their own, or each other's, or any other applicants' bids or bidding strategies (including post-auction market structure), or discussing or negotiating settlement agreements, until after the down payment deadline[.]”³⁴ An “applicant” for purposes of this rule includes all “controlling interests” in the entity submitting the FCC Form 175 auction application, as well as all holders of interests amounting to 10 percent or more of the entity, and all officers and directors of that entity.³⁵ For Auctions 101 and 102, a party that submitted an application for either auction is an “applicant” for both auctions under the rule, and that status does not change based on later developments.³⁶

49. This prohibition took effect as of the short-form application filing deadline, which for Auctions 101 and 102 was Tuesday, September 18, 2018 at 6:00 p.m. ET, and ends at the post-auction down payment deadline for Auction 102, which will be announced in a future public notice.³⁷ **This prohibition applies to all applicants regardless of whether such applicants become qualified bidders or actually bid in Auction 101 and/or Auction 102.**³⁸ For further information on the prohibition, applicants should refer to the *Auctions 101 and 102 Procedures Public Notice*.³⁹

50. *Disclosure Obligations and Possible Sanctions.* Section 1.2105(c)(4) requires each auction applicant to report a prohibited communication or disclosure regarding bids or bidding strategy to the Commission in writing immediately, but in no case later than five business days after the communication occurs, even if the communication does not result in an agreement or understanding regarding bids or bidding strategy that must be reported under Section 1.65.⁴⁰ The Commission has clarified that each applicant's obligation to report any such communication continues beyond the five-day period after the communication is made, even if the report is not made within the five-day period.⁴¹

51. *Reporting Prohibited Communication.* Any party reporting any communication pursuant to Sections 1.65, 1.2105(a)(2), or 1.2105(c)(4) must take care to ensure that any such report does not itself give rise to a violation of Section 1.2105(c). To minimize the risk of inadvertent dissemination of a report of a potential prohibited communication, Section 1.2105(c)(6) requires a party to file only a single report

³⁴ 47 CFR § 1.2105(c). The Commission identified AT&T, Sprint, T-Mobile, and Verizon Wireless as “nationwide providers” for the purpose of implementing the Commission's competitive bidding rules in Auctions 101 and 102. *Auctions 101 and 102 Procedures Public Notice*, 33 FCC Rcd at 7593, para. 44.

³⁵ 47 CFR § 1.2105(c)(5)(i); *see also Auctions 101 and 102 Procedures Public Notice*, 33 FCC Rcd at 7599, para. 59.

³⁶ *Auctions 101 and 102 Procedures Public Notice*, 33 FCC Rcd at 7599, para. 59.

³⁷ *Id.* at 7599, paras. 60-61; *see also* 47 CFR § 1.2105(c)(1).

³⁸ *See, e.g., Star Wireless, LLC v. FCC*, 522 F.3d 469 (D.C. Cir. 2008) (holding that Section 1.2105(c) applies to applicants regardless of whether they are qualified to bid). Thus, an auction applicant that does not correct deficiencies in its application, fails to submit a timely and sufficient upfront payment, or does not otherwise become qualified, remains an “applicant” for purposes of the rule and remains subject to the prohibition on certain communications until the post-auction down payment deadline for Auction 102. *Auctions 101 and 102 Procedures Public Notice*, 33 FCC Rcd at 7599, para. 59 & n.137.

³⁹ *See Auctions 101 and 102 Procedures Public Notice*, 33 FCC Rcd at 7598-606, paras. 57-84.

⁴⁰ 47 CFR § 1.2105(c)(4); *see also Amendment of Part 1 of the Commission's Rules – Competitive Bidding Procedures*, Seventh Report and Order, 16 FCC Rcd 17546, 17553-55, paras. 13-17 (2001).

⁴¹ *Service Rules for the 698-746, 747-762 and 777-792 MHz Bands*, Second Report and Order, 22 FCC Rcd 15289, 15395, paras. 285-86 (2007).

with the Chief of the Auctions Division in the Office of Economics and Analytics.⁴² In Auction 102, any such report must be filed according to the instructions set forth in the *Auctions 101 and 102 Procedures Public Notice*.⁴³ Any such report must be filed immediately, and in no case later than five business days after the communication occurs.

52. Any applicant found to have violated Section 1.2105(c) of the Commission's rules may be subject to sanctions.⁴⁴ In addition, we remind each applicant that it is subject to the antitrust laws, which are designed to prevent anti-competitive behavior in the marketplace. If an applicant is found to have violated the antitrust laws or the Commission's rules in connection with its participation in the competitive bidding process, it may be subject to forfeiture of its upfront payment, down payment, or full bid amount, and it may be prohibited from participating in future auctions, among other sanctions.⁴⁵

D. Limited Information Procedures

53. We remind applicants that, under the limited information procedures in effect for Auction 102 (sometimes also referred to as anonymous bidding), the Commission is withholding from public release, until after the close of bidding in Auction 102, any information that may indicate specific applicants' interests in the auction—including, among other things, license area selections, upfront payments and eligibility information, and the identities of bidders placing bids or taking other bidding-related actions.⁴⁶ Accordingly, communication with other applicants or public disclosure of such non-public information may violate the Commission's limited information procedures and the rule prohibiting certain communications, Section 1.2105(c) of the Commission's rules.

54. This prohibition includes communication of any such non-public information by an applicant to the public, financial analysts, or the press, as well as any such communication by an applicant to another applicant in Auction 101 or Auction 102.⁴⁷ Examples of communications raising concern, given the limited information procedures in effect for Auction 102, would include an applicant's statement to the press about its upfront payment or bidding eligibility, and an applicant's statement to the press that it is or is not interested in bidding in the auction.

E. Submission of Auction-Related Filings

55. A party wishing to submit a request, a complaint, or other information concerning Auction 102 should, in addition to following other procedures prescribed by the Commission's rules, send a copy by email to the attention of Margaret Wiener, Chief, Auctions Division, at the following address: auction102@fcc.gov. The Commission occasionally receives complaints regarding specific bidders and requests to suspend bidding during an auction. While the Commission reserves the right to take

⁴² 47 CFR § 1.2105(c)(6); *see also Procedural Amendments to Commission Part 1 Competitive Bidding Rules*, Order, 25 FCC Rcd 521, 522, para. 4 (2010).

⁴³ *See Auctions 101 and 102 Procedures Public Notice*, 33 FCC Rcd at 7604-05, paras. 78-80.

⁴⁴ *See* 47 CFR §§ 1.2105(c), 1.2109(d).

⁴⁵ *See id.* § 1.2109(d).

⁴⁶ *Auctions 101 and 102 Procedures Public Notice*, 33 FCC Rcd at 7596-98, paras. 50-56.

⁴⁷ The Commission has long expressed the concern that applicants should use caution in their dealings with other parties, such as members of the press, financial analysts, or others who might become a conduit for the communication of non-public information relating to auctions, such as bids and bidding strategies. *See Wireless Telecommunications Bureau Responds to Questions About the Local Multipoint Distribution Service Auction*, Public Notice, 13 FCC Rcd 341, 347-48 (WTB 1998) ("Public statements can give rise to collusion concerns. This has occurred in the antitrust context, where certain public statements can support other evidence which tends to indicate the existence of a conspiracy.").

appropriate action during an auction to preserve the integrity of the auction process, it is generally our practice to address any such allegations only after a winning bidder has submitted its long-form application, when there is greater opportunity for investigation of such allegations, if warranted. The Commission will not investigate any complaints or allegations that are not accompanied by full contact information, including name, address, and telephone number, for the complaining party or parties.

F. Ex Parte Rule

56. Applicants should also be aware that the Commission has generally treated mutually exclusive short-form applications as exempt proceedings and, therefore, not subject to the *ex parte* prohibitions that pertain to restricted proceedings.⁴⁸

VI. POST-AUCTION PROCEDURES

57. To insure prompt receipt of time-sensitive Commission communications, WTB and OEA urge each applicant to verify now the accuracy and completeness of the information for its contact in its Form 175. Corrections to contact information in a Form 175 should be made promptly in preparation for post-auction procedures.

58. Shortly after bidding has ended, the Commission will release a public notice declaring the auction closed and establishing the deadlines for submitting down payments and final payments. Each winning bidder will have 10 business days following the release of that public notice to make down payments. Final payments will be due 10 business days after the deadline for submitting down payments for this auction.

59. Additional information regarding these post-auction procedures is contained in the *Auctions 101 and 102 Procedures Public Notice* and will be provided in the public notice announcing the winning bidders.⁴⁹

⁴⁸ 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); 47 CFR § 1.1202(d)(1) Note 1.

⁴⁹ See *Auctions 101 and 102 Procedures Public Notice*, 33 FCC Rcd at 7658-61, paras. 283-99; 47 CFR §§ 1.2107, 1.2109(a).

VII. CONTACT INFORMATION

60. Additional information for applicants is available at the Auction 102 website (www.fcc.gov/auction/102).

61. For further information concerning Auction 102, please contact:

General Auction Information

General Auction Questions

FCC Auctions Hotline

(888) 225-5322, option two; or
(717) 338-2868

Auction 102 Process and Procedures

Bidding Procedures
Auction Schedule

Auctions Division, OEA

Auctions Hotline (717) 338-2868

Auction 102 Legal Information

Auction Rules, Policies, Regulations, Including
Reports of Section 1.2105(c) Violations and
Application Modifications

Auctions Division, OEA

(202) 418-0660
Erik Beith (Attorney)

Licensing Information

Service Rules, Policies, Regulations
Licensing Issues, Engineering Issues
Due Diligence, Incumbency Issues

Broadband Division, WTB

(202) 418-2487
Madelaine Maior (Attorney)
Tim Hilfiger (Engineer)

Technical Support

Hardware/Software Issues with Electronic Filing
or FCC Auction System

FCC Auctions Technical Support Hotline

(877) 480-3201, option nine; or (202) 414-1250
(202) 414-1255 (TTY)
Hours of service: 8:00 a.m. – 6:00 p.m. ET,
Monday through Friday

Payment Information

Instructions for Wiring Auction Payments and
Completing Form 159
Refunds

**FCC Revenue & Receivables Operations
Group/Auctions**

Gail Glasser (202) 418-0578, or
(202) 418-2843 (fax) or email to
RROGWireFaxes@fcc.gov

News Media

Press Questions

Wireless Telecommunications Bureau

Cecilia Sulhoff at (202) 418-0587

62. To request materials in accessible formats (Braille, large print, electronic files, audio format) for people with disabilities, send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 or (202) 418-0432 (TTY).

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