

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

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| In the Matter of |) | |
| |) | |
| Broadcast Incentive Auction Comment Public |) | AU Docket No. 14-252 |
| Notice Auction 1000, 1001, and 1002 |) | |
| |) | |
| Expanding the Economic and Innovation |) | GN Docket No. 12-268 |
| Opportunities of Spectrum Through Incentive |) | |
| Auctions |) | |
| |) | |
| Policies Regarding Mobile Spectrum |) | |
| Holdings |) | WT Docket No. 12-269 |

To: Wireless Telecommunications Bureau

**INFORMAL REQUEST FOR COMMISSION ACTION OF THE RURAL WIRELESS
ASSOCIATION, INC. AND NTCA – THE RURAL BROADBAND ASSOCIATION**

Pursuant to Rule 1.41 of the Federal Communications Commission’s (“FCC” or “Commission”) rules,¹ the Rural Wireless Association, Inc. (“RWA”) and NTCA – The Rural Broadband Association (“NTCA”) (together, the “Associations”) respectfully submit this informal request for Commission action. Specifically, the Associations request that the Wireless Telecommunications Bureau (“Bureau”) suspend forward auction bidding in the 600 MHz Incentive Auction (“Auction 1002”): (1) September 7-9, 2016, when RWA will be holding its Rural Wireless Summit co-located with CTIA’s Super Mobility 2016 conference; and (2) September 26-28, when NTCA will be holding its Fall Conference and RWA will be holding its Annual Meeting. In the alternative, the Associations request that the Bureau limit Auction 1002 bidding to one round per day during the specified time periods.

¹ 47 C.F.R. § 1.41.

I. BACKGROUND.

On July 15, 2016, the Bureau and Incentive Auction Task Force announced that 62 applicants were found to be qualified to bid in Auction 1002.² More than half of those qualified bidders are members of RWA and/or NTCA, or are affiliated with an RWA and/or NTCA member. The *Qualified Bidders PN* noted that Auction 1002 would begin on August 16, 2016 and that the bidding schedule would consist of two two-hour long rounds per day on August 17, 2016 and until further notice.³

RWA is a national trade association dedicated to promoting wireless opportunities for rural telecommunications companies who serve rural consumers and those consumers traveling to rural America. RWA's carrier members are comprised of both independent wireless carriers and wireless carriers that are affiliated with rural telephone companies. Each of RWA's member companies serves fewer than 100,000 subscribers. RWA will host its annual Rural Wireless Summit in Las Vegas, Nevada from September 7-9, 2016, co-located with CTIA's Super Mobility 2016 conference.

NTCA represents nearly 900 rural telecommunications providers nationwide. All of NTCA's members are full service local exchange carriers and broadband providers, and many provide wireless, video, satellite, and/or long distance services as well. NTCA will host its annual Fall Conference in Indianapolis, Indiana from September 25-28, 2016. RWA will also host its 2016 Annual Meeting in the same location on Tuesday, September 27, 2016. The Associations' members are located in all regions of the country, and most of those attending the

² Public Notice, AU Docket No. 14-252, GN Docket No. 12-268, WT Docket No. 12-269, DA 16-796 (July 15, 2016) (*Qualified Bidders PN*).

³ *Id.* at ¶ 34.

RWA Rural Wireless Summit at CTIA's conference and the RWA Annual Meeting at NTCA's Fall Conference will travel a significant distance to participate.

II. THE ASSOCIATIONS URGE THE BUREAU TO SUSPEND AUCTION 1002 BIDDING DURING RWA'S RURAL WIRELESS SUMMIT AND NTCA'S FALL CONFERENCE.

The Associations' members have limited personnel resources to dedicate to auction participation. Small staffs already manage a substantial workload, and auction participation over a lengthy and unpredictable time period will stretch limited personnel resources even further. In many cases, the leaders that attend industry events to conduct their companies' business are the same individuals named as their companies' authorized bidders in Auction 1002. The Associations are concerned that travel to and from these events, as well as meeting participation, will disrupt these authorized bidders' ability to bid in a timely fashion. Travel arrangements for these meetings were booked long in advance of the FCC revealing its auction schedule.

Authorized bidders are the only individuals that may place bids on behalf of qualified bidders. While there is a mechanism in place to change a qualified bidder's authorized bidders, this mechanism is of little use to qualified bidders with very small management teams. In many cases, a qualified bidder's governing board of directors has entrusted bidding responsibility to *only* those individuals designated as the entity's authorized bidders – leaving those individuals unable to designate substitutes, even if staffing levels would allow it.

III. THE LACK OF ACTIVITY RULE WAIVERS FURTHER NECESSITATES SUSPENSION OF AUCTION 1002.

The Commission decided against providing Auction 1002 qualified bidders with activity rule waivers to preserve bidding eligibility.⁴ The Associations are concerned that the lack of activity rule waivers creates additional risk of forward auction elimination due to unforeseen circumstances that are beyond qualified bidders' control. The Associations' member companies could lose Auction 1002 eligibility if authorized bidders run into an unexpected technical or communications glitch while traveling, or if unforeseen transportation delays render them unable to access the bidding system at all. To put it simply, there is no room for error for small and rural carriers bidding in Auction 1002. The Associations' respective meetings have been planned years in advance – well before the FCC established its auction schedule. In both cases, FCC Commissioners and staff will be speaking and attending, and the Associations' members would be unfairly disadvantaged by losing the opportunity to hear and informally meet with Commissioners and staff if forced to cancel attendance in order to attend to auction matters.

IV. IN THE ALTERNATIVE, THE BUREAU SHOULD LIMIT AUCTION 1002 BIDDING TO ONE ROUND PER DAY DURING THE SPECIFIED PERIODS.

In the event that the Bureau decides against suspending Auction 1002 bidding altogether during the RWA Rural Wireless Summit, NTCA Fall Conference, and RWA Annual Meeting, the Associations request that the Bureau instead limit Auction 1002 bidding to one round per day during these meetings. Authorized bidders attending the Associations' events would be able to much more easily accommodate the need to bid in just one round per day while

⁴ *Procedures for Competitive Bidding in Auction 1000, Including Initial Clearing Target Determination, Qualifying to Bid, and Bidding in Auctions 1001 (Reverse) and 1002 (Forward)*, Public Notice, AU Docket No. 14-252, GN Docket No. 12-268, WT Docket No. 12-269, MB Docket No. 15-146.

traveling, instead of two or more rounds spread throughout the day, and also be able to participate in the long planned meetings for which significant expense has been incurred.

V. CONCLUSION.

The Associations are appreciative of the Commission's efforts to facilitate rural and small carrier participation in the Incentive Auction, pursuant to its mandate under Section 309(j) of the Communications Act. It is clear that the new rural service provider bidding credit and reasonable bidding credit caps have promoted significant small and rural carrier participation in Auction 1002 given that more than half of the qualified bidders are rural entities.

The Associations have no desire to unnecessarily delay Auction 1002, and in fact submitted joint comments urging the Commission to hold the Incentive Auction in early 2016 as planned.⁵ As the Associations noted in those comments, small and rural providers like the Associations' members require additional low band spectrum to provide the high quality wireless broadband services rural consumers demand. The Associations understand that any unnecessary delay in the Incentive Auction may benefit the largest wireless providers who acquired a large amount of spectrum in the recent AWS-3 spectrum auction, but would be to the detriment of rural consumers. The Associations therefore seek only limited relief in the form of a suspension not to cause delay, but to protect the bidding eligibility of small and rural carriers and promote competition in Auction 1002.

For the foregoing reasons, the Associations urge the Bureau to continue the Commission's efforts to improve competition by suspending Auction 1002 bidding during RWA's Rural Wireless Summit, September 7-9, 2016, and NTCA's Fall Conference, September

⁵ *Comment Sought on Competitive Bidding Procedures for Broadcast Incentive Auction 1000, Including Auctions 1001 and 1002*, Comments of the Rural Wireless Association, Inc. and NTCA – The Rural Broadband Association, AU Docket No. 14-252 (Feb. 20, 2015).

26-28, 2016. In the alternative, the Bureau should limit Auction 1002 bidding to one round per day during the specified periods.

Respectfully submitted,

Rural Wireless Association, Inc.

NTCA – The Rural Broadband Association

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