

Public Service Wireless Services, Inc.  
8 North Winston Street  
Reynolds, GA 31076

June 12, 2006

**Via ECFS**

Honorable Kevin Martin, Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: *Ex Parte* Letter  
WT Docket No. 05-211  
AU Docket No. 06-30**

Dear Chairman Martin:

Public Service Wireless Services, Inc. (PSWS) hereby submits this letter in opposition to the Federal Communications Commission's (FCC or Commission) decision to delay Advanced Wireless Services (AWS-1) auction (Auction No. 66) and allow any party, regardless of whether it submitted a short-form application during the previous filing window that closed May 10, 2006, to participate in Auction No. 66 under the revised schedule. PSWS requests that the FCC only allow parties that submitted short-form applications during the previous filing window to participate in Auction No. 66.

Earlier this year, the FCC announced that Auction No. 66 would commence on June 29, 2006.<sup>1</sup> Auction short-form applications (FCC Form 175) were to be filed with the FCC on May 10, 2006. Approximately two weeks before short-form applications were due, the FCC adopted new designated entity (DE) rules.<sup>2</sup> After Auction No. 66 applicants already filed their short-form applications and under the pretense of providing auction applicants additional time for preparation and planning for the auction and to adjust to the newly adopted DE rules, the FCC decided to delay Auction No. 66 from June 29, 2006 to August 9, 2006.<sup>3</sup> In addition, the deadline for filing short-form applications moved from May 10, 2006 to June 19, 2006.

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<sup>1</sup> See Auction of Advanced Wireless Services Licenses Schedule for June 29, 2006, Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments and Other Procedures for Auction No. 66, *Public Notice*, FCC 06-47 (April 12, 2006).

<sup>2</sup> Implementation of the Commercial Spectrum Enhancement Act and Modernization of the Commission's Competitive Bidding Rules and Procedures, *Second Report and Order and Second Further Notice of Proposed Rule Making*, FCC 06-52 (April 25, 2006).

<sup>3</sup> See Auction of Advanced Wireless Services Licenses Reschedule for August 9, 2006, Revised Schedule, Filing Requirements and Supplemental Procedures for Auction No. 66, *Public Notice*, FCC 06-71 (May 19, 2006).

Along with its decision to delay Auction No. 66, the FCC also decided to allow any party, regardless of whether it submitted a short-form application during the previous filing window that closed May 10, 2006, to participate in Auction No. 66 under the revised schedule. As a result, entities that did not timely file short-form applications during the FCC's previous filing window now have additional time to submit short-form applications. The FCC's decision to allow new entities to participate in Auction No. 66 is unfair to those applicants that timely filed short-form applications during the previous filing window because: (1) it provides new applicants additional time to submit short-form applications and (2) creates greater competition in an already highly competitive auction.

Auction No. 66 applicants had only two weeks from the time the FCC issued its new DE rules until May 10, 2006, the date that the FCC's previous filing window to file its short-form applications closed. Because of the FCC's short notice, Auction No. 66 applicants had to scramble to interpret the FCC's new rules, develop an auction bidding strategy, and file short-form applications in an abbreviated time period. Applicants spent a good amount of time and resources preparing for this auction and to timely file their short-form applications by May 10, 2006. After applicants spent lots of time and money to timely file its short-form application, the FCC is now allowing those entities that did not timely file their short-form applications an extra bite at the auction apple. This decision is unfair to those applicants, like PSWS, who filed their short-form applications on time. Accordingly, PSWS asks the FCC to reconsider its decision to allow any entity, regardless of whether it submitted a short-form application during the previous filing window, to participate in Auction No. 66.

Further, the FCC's decision to allow new entities to participate in Auction No. 66 creates greater competition for those applicants who timely filed their short-form applications under the previous filing window. Greater competition in an already highly competitive auction will drive up the price of the licenses. This is particularly harmful to rural carriers like PSWS who cannot afford to compete with the larger carriers that have unlimited amounts of money to spend on spectrum. Therefore, PSWS requests that the FCC reconsider its decision to allow any party to participate in Auction No. 66 regardless of whether it submitted a short-form application during the previous filing window that closed May 10, 2006 to participate in Auction No. 66.

PSWS respectfully requests that the FCC only allow parties that submitted short-form applications during the previous filing window to participate in Auction No. 66. PSWS, however, does not want the FCC's reconsideration to further delay the commencement of Auction No. 66. PSWS had to work hard to file its short-form application on time and should not be penalized by further delay.

Respectfully Submitted,

/s/

Edward K. Bond  
Director