

FCC Forms

(800) 418-3676 (outside Washington, DC)
(202) 418-3676 (in the Washington area)
<http://www.fcc.gov/formpage.html>

Accessible Formats

Braille, large print, electronic files, or
audio format for people with disabilities

Consumer and Governmental Affairs Bureau
(202) 418-0530 or (202) 418-0432 (TTY)
fcc504@fcc.gov

FCC Internet Sites

<http://www.fcc.gov>
<http://wireless.fcc.gov/auctions>
<http://wireless.fcc.gov/uls>

-- FCC --

**Auction 86 — Auction of Broadband Radio Service Licenses
DA 09-1376, Attachment A**

| Item Name | Item Description | Market | Bandwidth (MHz)* | Population* | % encumbered** | S/MHz-pop | Bidding Units | Upfront Payment | Minimum Opening Bid |
|-----------|--------------------------------------|-----------|------------------|-------------|----------------|-----------|---------------|-----------------|---------------------|
| BR-BTA008 | Albuquerque, NM | BTA008 | 76.5 | 831,850 | 87% | \$0.0025 | 159,000 | \$159,000 | \$159,000 |
| BR-BTA010 | Allentown-Bethlehem-Easton, PA | BTA010 | 76.5 | 740,395 | 49% | \$0.0100 | 566,000 | \$566,000 | \$566,000 |
| BR-BTA023 | Athens, OH | BTA023 | 76.5 | 130,742 | 24% | \$0.0100 | 100,000 | \$100,000 | \$100,000 |
| BR-BTA025 | Atlantic City, NJ | BTA025 | 76.5 | 354,878 | 81% | \$0.0025 | 68,000 | \$68,000 | \$68,000 |
| BR-BTA033 | Battle Creek, MI | BTA033 | 76.5 | 240,527 | 37% | \$0.0100 | 184,000 | \$184,000 | \$184,000 |
| BR-BTA034 | Beaumont-Port Arthur, TX | BTA034 | 76.5 | 467,106 | 30% | \$0.0100 | 357,000 | \$357,000 | \$357,000 |
| BR-BTA035 | Beckley, WV | BTA035 | 76.5 | 166,963 | 1% | \$0.0125 | 160,000 | \$160,000 | \$160,000 |
| BR-BTA048 | Bluefield, WV | BTA048 | 76.5 | 168,756 | 0% | \$0.0125 | 161,000 | \$161,000 | \$161,000 |
| BR-BTA053 | Bozeman, MT | BTA053 | 76.5 | 83,525 | 0% | \$0.0125 | 80,000 | \$80,000 | \$80,000 |
| BR-BTA056 | Brownsville-Harlingen, TX | BTA056 | 76.5 | 355,309 | 68% | \$0.0050 | 136,000 | \$136,000 | \$136,000 |
| BR-BTA063 | Burlington, VT | BTA063 | 76.5 | 406,799 | 38% | \$0.0100 | 311,000 | \$311,000 | \$311,000 |
| BR-BTA070 | Cedar Rapids, IA | BTA070 | 76.5 | 289,492 | 44% | \$0.0100 | 221,000 | \$221,000 | \$221,000 |
| BR-BTA080 | Chillicothe, OH | BTA080 | 76.5 | 101,040 | 6% | \$0.0125 | 97,000 | \$97,000 | \$97,000 |
| BR-BTA082 | Clarksburg-Elkins, WV | BTA082 | 76.5 | 190,767 | 0% | \$0.0125 | 182,000 | \$182,000 | \$182,000 |
| BR-BTA096 | Cookeville, TN | BTA096 | 76.5 | 138,089 | 0% | \$0.0125 | 132,000 | \$132,000 | \$132,000 |
| BR-BTA105 | Davenport, IA-Moline, IL | BTA105 | 76.5 | 429,924 | 85% | \$0.0025 | 82,000 | \$82,000 | \$82,000 |
| BR-BTA113 | Dickinson, ND | BTA113 | 76.5 | 35,772 | 77% | \$0.0050 | 14,000 | \$14,000 | \$14,000 |
| BR-BTA121 | Eagle Pass-Del Rio, TX | BTA121 | 76.5 | 117,380 | 0% | \$0.0125 | 112,000 | \$112,000 | \$112,000 |
| BR-BTA124 | El Centro-Calexico, CA | BTA124 | 76.5 | 142,361 | 31% | \$0.0100 | 109,000 | \$109,000 | \$109,000 |
| BR-BTA132 | Escanaba, MI | BTA132 | 76.5 | 47,423 | 2% | \$0.0125 | 45,000 | \$45,000 | \$45,000 |
| BR-BTA137 | Fairmont, WV | BTA137 | 76.5 | 56,598 | 0% | \$0.0125 | 54,000 | \$54,000 | \$54,000 |
| BR-BTA139 | Farmington, NM-Durango, CO | BTA139 | 76.5 | 208,285 | 0% | \$0.0125 | 199,000 | \$199,000 | \$199,000 |
| BR-BTA162 | Gallup, NM | BTA162 | 76.5 | 144,221 | 0% | \$0.0125 | 138,000 | \$138,000 | \$138,000 |
| BR-BTA163 | Garden City, KS | BTA163 | 76.5 | 73,686 | 0% | \$0.0125 | 70,000 | \$70,000 | \$70,000 |
| BR-BTA168 | Grand Junction, CO | BTA168 | 76.5 | 246,119 | 0% | \$0.0125 | 235,000 | \$235,000 | \$235,000 |
| BR-BTA179 | Hagerstown MD-Chambersburg PA | BTA179 | 76.5 | 366,345 | 61% | \$0.0050 | 140,000 | \$140,000 | \$140,000 |
| BR-BTA180 | Hammond, LA | BTA180 | 76.5 | 111,113 | 1% | \$0.0125 | 106,000 | \$106,000 | \$106,000 |
| BR-BTA182 | Harrison, AR | BTA182 | 76.5 | 92,314 | 5% | \$0.0125 | 88,000 | \$88,000 | \$88,000 |
| BR-BTA183 | Harrisonburg, VA | BTA183 | 76.5 | 152,235 | 82% | \$0.0025 | 29,000 | \$29,000 | \$29,000 |
| BR-BTA189 | Hickory-Lenoir-Morganton, NC | BTA189 | 76.5 | 341,851 | 3% | \$0.0125 | 327,000 | \$327,000 | \$327,000 |
| BR-BTA190 | Hilo, HI | BTA190 | 76.5 | 148,677 | 0% | \$0.0125 | 142,000 | \$142,000 | \$142,000 |
| BR-BTA215 | Jamestown, NY-Warren, PA-Dunkirk, NY | BTA215 | 76.5 | 183,613 | 5% | \$0.0125 | 176,000 | \$176,000 | \$176,000 |
| BR-BTA218 | Johnstown, PA | BTA218 | 76.5 | 232,621 | 0% | \$0.0125 | 222,000 | \$222,000 | \$222,000 |
| BR-BTA244 | Las Cruces, NM | BTA244 | 76.5 | 249,902 | 63% | \$0.0050 | 96,000 | \$96,000 | \$96,000 |
| BR-BTA252 | Lexington, KY | BTA252 | 76.5 | 927,633 | 54% | \$0.0050 | 355,000 | \$355,000 | \$355,000 |
| BR-BTA254 | Lihue, HI | BTA254 | 76.5 | 58,463 | 0% | \$0.0125 | 56,000 | \$56,000 | \$56,000 |
| BR-BTA258 | Logan, UT | BTA258 | 76.5 | 102,720 | 0% | \$0.0125 | 98,000 | \$98,000 | \$98,000 |
| BR-BTA259 | Logan, WV | BTA259 | 76.5 | 37,710 | 8% | \$0.0125 | 36,000 | \$36,000 | \$36,000 |
| BR-BTA261 | Longview, WA | BTA261 | 76.5 | 96,772 | 6% | \$0.0125 | 93,000 | \$93,000 | \$93,000 |
| BR-BTA269 | McComb-Brookhaven, MS | BTA269 | 76.5 | 114,119 | 0% | \$0.0125 | 109,000 | \$109,000 | \$109,000 |
| BR-BTA270 | McCook, NE | BTA270 | 76.5 | 33,749 | 66% | \$0.0050 | 13,000 | \$13,000 | \$13,000 |
| BR-BTA287 | Meadville, PA | BTA287 | 76.5 | 90,366 | 22% | \$0.0100 | 69,000 | \$69,000 | \$69,000 |
| BR-BTA293 | Miami-Fort Lauderdale, FL | BTA293 | 76.5 | 3,955,969 | 90% | \$0.0025 | 757,000 | \$757,000 | \$757,000 |
| BR-BTA306 | Morgantown, WV | BTA306 | 76.5 | 111,200 | 0% | \$0.0125 | 106,000 | \$106,000 | \$106,000 |
| BR-BTA333 | Oneonta, NY | BTA333 | 76.5 | 109,731 | 4% | \$0.0125 | 105,000 | \$105,000 | \$105,000 |
| BR-BTA352 | Plattsburgh, NY | BTA352 | 76.5 | 118,745 | 15% | \$0.0125 | 114,000 | \$114,000 | \$114,000 |
| BR-BTA355 | Poplar Bluff, MO | BTA355 | 76.5 | 154,045 | 0% | \$0.0125 | 147,000 | \$147,000 | \$147,000 |
| BR-BTA370 | Reading, PA | BTA370 | 76.5 | 373,638 | 64% | \$0.0050 | 143,000 | \$143,000 | \$143,000 |
| BR-BTA373 | Richmond, IN | BTA373 | 76.5 | 104,034 | 33% | \$0.0100 | 80,000 | \$80,000 | \$80,000 |
| BR-BTA380 | Rockford, IL | BTA380 | 76.5 | 456,277 | 71% | \$0.0050 | 175,000 | \$175,000 | \$175,000 |
| BR-BTA388 | Rutland-Bennington, VT | BTA388 | 76.5 | 100,394 | 58% | \$0.0050 | 38,000 | \$38,000 | \$38,000 |
| BR-BTA396 | Salina, KS | BTA396*** | 76.5 | 59,760 | 37% | \$0.0100 | 46,000 | \$46,000 | \$46,000 |
| BR-BTA405 | San Luis Obispo, CA | BTA405 | 76.5 | 246,681 | 31% | \$0.0100 | 189,000 | \$189,000 | \$189,000 |
| BR-BTA407 | Santa Fe, NM | BTA407 | 76.5 | 218,804 | 23% | \$0.0100 | 167,000 | \$167,000 | \$167,000 |
| BR-BTA408 | Sarasota-Bradenton, FL | BTA408 | 76.5 | 622,168 | 71% | \$0.0050 | 238,000 | \$238,000 | \$238,000 |
| BR-BTA411 | Scottsbluff, NE | BTA411 | 76.5 | 101,597 | 24% | \$0.0100 | 78,000 | \$78,000 | \$78,000 |
| BR-BTA412 | Scranton--Wilkes-Barre--Hazleton, PA | BTA412 | 76.5 | 672,498 | 55% | \$0.0050 | 257,000 | \$257,000 | \$257,000 |
| BR-BTA431 | Steubenville, OH-Weirton, WV | BTA431 | 76.5 | 132,008 | 35% | \$0.0100 | 101,000 | \$101,000 | \$101,000 |

| Item Name | Item Description | Market | Bandwidth (MHz)* | Population* | % encumbered** | S/MHz-pop | Bidding Units | Upfront Payment | Minimum Opening Bid |
|-----------|------------------------------|--------|------------------|-------------|----------------|-----------|---------------|-----------------|---------------------|
| BR-BTA432 | Stevens Point-Marshfield WI | BTA432 | 76.5 | 214,617 | 0% | \$0.0125 | 205,000 | \$205,000 | \$205,000 |
| BR-BTA435 | Stroudsburg, PA | BTA435 | 76.5 | 138,687 | 46% | \$0.0100 | 106,000 | \$106,000 | \$106,000 |
| BR-BTA444 | Toledo, OH | BTA444 | 76.5 | 789,378 | 82% | \$0.0025 | 151,000 | \$151,000 | \$151,000 |
| BR-BTA456 | Victoria, TX | BTA456 | 76.5 | 165,277 | 53% | \$0.0050 | 63,000 | \$63,000 | \$63,000 |
| BR-BTA462 | Waterloo-Cedar Falls, IA | BTA462 | 76.5 | 266,449 | 25% | \$0.0100 | 204,000 | \$204,000 | \$204,000 |
| BR-BTA463 | Watertown, NY | BTA463 | 76.5 | 301,747 | 0% | \$0.0125 | 289,000 | \$289,000 | \$289,000 |
| BR-BTA466 | Wausau-Rhineland, WI | BTA466 | 76.5 | 244,048 | 0% | \$0.0125 | 233,000 | \$233,000 | \$233,000 |
| BR-BTA470 | West Plains, MO | BTA470 | 76.5 | 77,090 | 0% | \$0.0125 | 74,000 | \$74,000 | \$74,000 |
| BR-BTA471 | Wheeling, WV | BTA471 | 76.5 | 211,493 | 0% | \$0.0125 | 202,000 | \$202,000 | \$202,000 |
| BR-BTA474 | Williamson, WV-Pikeville, KY | BTA474 | 76.5 | 175,453 | 0% | \$0.0125 | 168,000 | \$168,000 | \$168,000 |
| BR-BTA476 | Williston, ND | BTA476 | 76.5 | 25,498 | 80% | \$0.0050 | 9,800 | \$9,800 | \$9,800 |
| BR-BTA483 | York-Hanover, PA | BTA483 | 76.5 | 473,043 | 55% | \$0.0050 | 181,000 | \$181,000 | \$181,000 |
| BR-BTA487 | Zanesville-Cambridge, OH | BTA487 | 76.5 | 188,410 | 7% | \$0.0125 | 180,000 | \$180,000 | \$180,000 |
| BR-BTA488 | San Juan, PR | BTA488 | 76.5 | 2,674,278 | 78% | \$0.0050 | 1,023,000 | \$1,023,000 | \$1,023,000 |
| BR-BTA490 | Guam | BTA490 | 76.5 | 154,805 | 0% | \$0.0125 | 148,000 | \$148,000 | \$148,000 |
| BR-BTA492 | American Samoa | BTA492 | 76.5 | 57,291 | 0% | \$0.0125 | 55,000 | \$55,000 | \$55,000 |
| BR-BTA493 | Northern Mariana Islands | BTA493 | 76.5 | 69,221 | 0% | \$0.0125 | 66,000 | \$66,000 | \$66,000 |
| BR-BTA494 | Gulf of Mexico Zone A | BTA494 | 76.5 | - | 0% | \$0.0125 | 20,000 | \$20,000 | \$20,000 |
| BR-BTA495 | Gulf of Mexico Zone B | BTA495 | 76.5 | - | 0% | \$0.0125 | 20,000 | \$20,000 | \$20,000 |
| BR-BTA496 | Gulf of Mexico Zone C | BTA496 | 76.5 | - | 0% | \$0.0125 | 20,000 | \$20,000 | \$20,000 |

78 Licenses

| | | | | |
|------|------------|------------|--------------|--------------|
| 76.5 | 23,272,544 | 12,285,800 | \$12,285,800 | \$12,285,800 |
|------|------------|------------|--------------|--------------|

* These bandwidth and population figures have not been adjusted to reflect any encumbrance. As discussed in this Public Notice, encumbrance has been incorporated into bidding units, upfront payments, and minimum opening bids. Population figures are based on the 2000 decennial census.

** As discussed in this Public Notice, this encumbrance data was provided in an *ex parte* filing. Consistent with potential bidders' due diligence obligations, applicants should make their own assessments of encumbrances relating to licenses in which they are interested.

*** The license for BTA396 does not include the entire market; it includes only Ottawa County and Saline County.

ATTACHMENT B

Broadband Radio Service Channels per License

| Channel | Band Segment | Frequency Bands (MHz)* | Bandwidth (MHz)* |
|---------|---------------|------------------------|------------------|
| 1 | Lower | 2496-2502 | 6.0 |
| E1 | Upper | 2624-2629.5 | 5.5 |
| E2 | Upper | 2629.5-2635 | 5.5 |
| E3 | Upper | 2635-2640.5 | 5.5 |
| E4 | Middle | 2608-2614 | 6.0 |
| F1 | Upper | 2640.5-2646 | 5.5 |
| F2 | Upper | 2646-2651.5 | 5.5 |
| F3 | Upper | 2651.5-2657 | 5.5 |
| F4 | Middle | 2602-2608 | 6.0 |
| H1 | Upper | 2657-2662.5 | 5.5 |
| H2 | Upper | 2662.5-2668 | 5.5 |
| H3 | Upper | 2668-2673.5 | 5.5 |
| KH1 | Upper (Guard) | 2614-2614.33333 | 0.33333 |
| KH2 | Upper (Guard) | 2614.33333-2614.66666 | 0.33333 |
| KH3 | Upper (Guard) | 2614.66666-2615 | 0.33333 |
| KF1 | Upper (Guard) | 2616-2616.33333 | 0.33333 |
| KF2 | Upper (Guard) | 2616.33333-2616.66666 | 0.33333 |
| KF3 | Upper (Guard) | 2616.66666-2617 | 0.33333 |
| KE1 | Upper (Guard) | 2617-2617.33333 | 0.33333 |
| KE2 | Upper (Guard) | 2617.33333-2617.66666 | 0.33333 |
| KE3 | Upper (Guard) | 2617.66666-2618 | 0.33333 |
| 2 | Upper (Guard) | 2618-2624 | 6.0 |
| Total | | | 76.5 |

* The frequency bands and bandwidth listed in the table represent that maximum amount of spectrum that may be available in a given area. Not all of this spectrum is available in all areas due to incumbent licensees in the 2496-2690 MHz band.

ATTACHMENT C

Short-Form Application Filing Instructions

This attachment provides instructions on submitting a short-form application and an upfront payment to participate in Auction 86. It also includes instructions for interested parties wishing to view the short-form applications filed for Auction 86.

Application Preparation and Submission

An applicant must submit its short-form application (FCC Form 175) electronically, via the FCC Auction System. **Short-form applications for Auction 86 must be submitted and confirmed prior to 6:00 p.m. ET on Tuesday, August 18, 2009.** Late applications or unconfirmed submissions of electronic data will not be accepted.

Applicants are reminded that all information required in connection with applications to participate in spectrum license auctions is necessary to determine each applicant's qualifications, and as such will be available for public inspection. Accordingly, an applicant should not include any unnecessary sensitive information, such as Taxpayer Identification Numbers or Social Security Numbers, in its short-form application. Applicants may request that information submitted not be made routinely available for public inspection following the procedures set forth in Section 0.459.²⁴⁴ Such requests must be included as an attachment to FCC Form 175 and identify the information to which the request applies. Because the required information bears on each applicant's qualifications, confidentiality requests will not be routinely granted.²⁴⁵

Applicants may make multiple changes to their short-form applications until the close of the filing window. However, applicants must press the **SUBMIT** button in the FCC Auction System for the changes to be submitted and considered by the Commission.

A. Minimum Software Requirements

The following software, at a minimum, is required to use the FCC Integrated Spectrum Auction System:

- Web Browser, either of the following:
 - Microsoft® Internet Explorer 6.0 or higher (recommended), with either Microsoft VM or Java Plug-In Version 1.5.
 - Mozilla® Firefox® 2.0 or higher, with Java Plug-In Version 1.5.

To obtain Java Plug-In Version 1.5, go to http://java.sun.com/javase/downloads/index_jdk5.jsp and click the Download button for the Java Runtime Environment (JRE) 5.0 option.

- PDF Viewer: Adobe Acrobat Reader 5.0 or higher (available at <http://www.adobe.com>)

Currently, the Apple® Mac OS® is not supported.

²⁴⁴ 47 C.F.R. § 0.459.

²⁴⁵ 47 C.F.R. § 0.459(a).

B. Logging On

To submit an FCC Form 175 electronically via the Internet, an applicant should start its web browser and point it to either <http://auctions.fcc.gov/> (primary location) or <http://auctions2.fcc.gov/> (secondary location). Once on the *FCC Integrated Spectrum Auction System* page, the applicant may log in to create a short-form application using its FCC Registration Number (“FRN”) and password.

C. Application Filing Instructions

The FCC Form 175 requests information needed to determine whether an applicant qualifies to participate in competitive bidding for Commission licenses or construction permits.²⁴⁶ Pursuant to Section 1.2105(a), FCC Form 175 must be submitted electronically. Applicants must submit required information as entries in the data fields of the FCC Form 175 whenever a data field is available for that information. Attachments should not be used to provide information that can be supplied within the data fields of the FCC Form 175.

The screens comprising FCC Form 175 consist of five series, each requesting five separate types of information: 1) *Applicant Information*; 2) *License Selection*; 3) *Agreements*; 4) *Ownership*; and 5) *Certify and Submit*. In addition, *Summary* screens, a sixth series, appear prior to the *Certify and Submit* screens. The *Summary* screens provide an overview of an applicant’s FCC Form 175 that facilitates reviewing and revising specific information, as well as an automated check for certain inconsistencies and omissions in submitted information.

To simplify filling out FCC Form 175, certain initial information applicants provide is used to determine what additional information is needed, and what subsequent screens will appear to collect that information. For example, a corporate applicant, unlike an individual applicant, must identify a corporate officer or director responsible for the application (sometimes called a responsible party). If an applicant identifies itself as an individual, no additional information is needed regarding an additional responsible party, and screens requesting responsible party information will not appear. However, if the applicant identifies itself as a corporation, subsequent screens in the FCC Form 175 will ask for responsible party information.

Applicants should be able to fill out FCC Form 175 by following the instructions below. Additional help in filling out FCC Form 175 can be accessed in two ways: 1) by clicking on the **Help** link in the upper right of any screen, which will open Auction Application Online Filing Help; or 2) by clicking on the text of any **Common Question** link appearing on the right side of the screen. The common questions displayed relate to the current screen and vary from screen to screen. In the event the assistance provided by these sources is insufficient, filers should use the contact information provided in the *Procedures Public Notice* to obtain additional assistance.

1. Applicant Information

The *Applicant Information* screens are the first series of screens in FCC Form 175. In the *Applicant Information* screens, the applicant will provide basic information including:

- the applicant’s legal classification (e.g., individual, corporation, rural telephone cooperative, etc.)
- optional information regarding the applicant’s status as a minority- or woman-owned business or a rural telephone company
- the applicant’s name, which will be used as the bidder name during the auction
- citizenship for individuals, or jurisdiction of formation for legal entities

²⁴⁶ See generally, 47 C.F.R. § 1.2105.

- for applicants classified as legal entities (e.g., corporations and partnerships), the name of and information regarding the entity's responsible individual
- the name, address, telephone and facsimile number of a contact person who will communicate with the Commission regarding the applicant's FCC Form 175²⁴⁷
- the names of up to three persons authorized to bid for the applicant in the auction
- the applicant's preference for electronic or telephonic bidding
- whether the applicant claims eligibility for certain types of bidding credits and the amount claimed

Each screen will specify the information that the applicant must provide. Please note the following with respect to particular information requested:

- Applicants must indicate their legal classification before continuing to subsequent screens, because the legal classification will determine which subsequent screens will appear.
- P.O. Boxes may not be used for an applicant's address.
- To simplify filling out the FCC Form 175, an applicant that has the same address as its contact person can click on the **COPY APPLICANT ADDRESS** button to automatically fill in the contact person's address. P.O. Boxes may not be used for a contact person's address.
- Applicants must identify at least one authorized bidder. While applicants may change their authorized bidders at a later date, only those bidders listed on the FCC Form 175 will be authorized to place bids for the applicant during the auction.
- Any qualified bidder may bid either via the Internet or by telephone during the auction. Specifying a preference for electronic or telephonic bidding assists the Commission in determining the staff required for telephonic bidding.

2. License Selection

The *License Selection* screens make up the second series of screens in FCC Form 175. In the *License Selection* screens, the applicant will identify the licenses offered on which the applicant may wish to bid during the auction. While an applicant is not obligated to bid on all licenses that it selects, it will not be able to bid on licenses that it has not selected on its FCC Form 175.²⁴⁸ Be advised that there is no opportunity to change this list after the short-form filing deadline.

To participate in an auction, applicants must select at least one license. Until the applicant selects a license, the applicant cannot submit the FCC Form 175. An applicant's license selections cannot be changed after the initial filing window has closed. Therefore, during the initial filing window it is important to carefully review license selections to make sure all the licenses on which the applicant may wish to bid have been selected.

The *License Selection* screens contain a list of all available licenses in the auction. Applicants can navigate within the *License Selection* screen by selecting the individual page links or the "Previous" and "Next" buttons above and below the list of available licenses. In addition, applicants can use pre-defined

²⁴⁷ FCC personnel will communicate only with an applicant's contact person or certifying official, as designated on the applicant's FCC Form 175, unless the applicant's certifying official or contact person notifies the Commission in writing that applicant's counsel or other representative is authorized to speak on its behalf.

²⁴⁸ 47 C.F.R. § 1.2105(a)(2)(i).

filters to narrow down the list of licenses that they wish to select and save. Specifically, licenses can be selected by: (1) clicking the check box next to the license name, then selecting the “Save Selected Items” button; (2) clicking the “Save All Items” button to save all available licenses; or (3) clicking the “Save All Filtered Items” button after applying a filter.

Licenses can be removed by: (1) clicking the check box (to uncheck) next to a previously saved license, then selecting the “Remove Selected Items” button; (2) clicking the “Remove All Items” button to remove all previously saved licenses; or (3) clicking the “Remove All Filtered Items” button after applying a filter. Removed licenses will not have the word “Saved” next to the license name.

Applicants may view all saved licenses by either clicking the **Edit Icon** next to “View Saved Items” at the top-right corner of the list, or by clicking the “CONTINUE” button at the bottom of the page.

Once licenses have been saved, the *View/Edit License Selections* screen will be the first screen displayed when navigating to the License Selection step. This screen lists all licenses the applicant has selected and saved for the auction. To select a new license or remove a previously selected license, an applicant can click the **Edit Icon** next to “Return to License Selection” at the top-right corner of the list, which will return it to the original *Select Licenses* screen, as described above.

3. Agreements

The *Agreements* screens are the third series of screens in FCC Form 175. In the *Agreements* screens, applicants will provide information regarding auction-related agreements subject to disclosure under the Commission’s rules.²⁴⁹

On the first screen, applicants must state whether the applicant has any agreements that are subject to disclosure under the Commission’s rules by responding “Yes” or “No” to a question asking whether the applicant has entered into partnerships, joint ventures, consortia, or other agreements or understandings of any kind relating to the licenses being auctioned, including any such agreement relating to the post-auction market structure. If an applicant answers “No,” the applicant will continue with the *Ownership* series of screens, described below. If the applicant answers “Yes,” the applicant will continue with additional *Agreements* screens.

In the additional *Agreements* screens, applicants must provide an identifying name for the agreement and must identify the parties, other than the applicant, to the agreement. The agreement identifier can be a brief description of the agreement or a simple reference name; however, each agreement identifier must be unique. Neither the name of the agreement or its description should indicate license selection.

The information required for the other parties to an agreement differs if the party is an individual or entity. Applicants may provide FRNs for the other parties to the agreement, if available. While providing the FRN is optional, it helps prevent identification errors resulting from parties having similar names or a single party using multiple names.

Up to three parties to the agreement (not including the applicant) can be identified on a single screen. Additional parties can be added by clicking the **ADD MORE PARTIES** button. In the event of an error, the name of a party and its associated FRN can be deleted from the form by clicking on the **RESET** button. After identifying all parties to a particular agreement, click the **FINISH THIS AGREEMENT** button.

²⁴⁹ 47 C.F.R. § 1.2105(a)(2)(viii).

The next screen, the *View/Edit Agreements* screen, lists the agreements and parties to each agreement that already have been entered. From this screen, the following options are available:

- Clicking the **Edit** icon or the **Agreements** link to return to the initial *Agreements* screen regarding whether or not the applicant has any agreements.
- Modifying agreement identifiers by clicking on them.
- Clicking the **Delete This Agreement** link to delete an agreement and associated parties.
- Modifying information regarding a particular party to an agreement by clicking on the party's name.
- Clicking the **Remove** icon next to information about a particular party to remove the corresponding party.
- Clicking the **Add Party to This Agreement** link to add a new party to an agreement.
- Clicking the **CREATE NEW AGREEMENT** button to add additional agreements.

When all agreements and the parties to each agreement have been identified, the applicant should click the **CONTINUE** button.

4. Ownership

The *Ownership* screens are the fourth series of screens in the FCC Form 175. In the *Ownership* screens, applicants will provide information regarding parties with ownership interests in the applicant that must be disclosed pursuant to Commission rules.²⁵⁰ Commission rules also require the disclosure and description of FCC-regulated businesses that are owned by the applicant and of parties with certain ownership interests in the applicant.²⁵¹ In addition, if the applicant has claimed eligibility for bidding credits based on revenues attributable to the applicant and related parties, the applicant will provide information regarding revenues for entities related through ownership in the *Ownership* screens.²⁵²

a. Information Already on File with the Commission

Some applicants may have previously filed FCC Form 602 disclosing ownership information in connection with wireless services. In addition, some applicants may have filed a short-form application (FCC Form 175) for a previous auction disclosing ownership information. To simplify filling out FCC Form 175, an applicant's most current ownership information on file with the Commission, if in an electronic format compatible with the short-form application (FCC Form 175) (such as information submitted in an on-line FCC Form 602 or in an FCC Form 175 filed for a previous auction using ISAS), will automatically be entered into the applicant's short-form application. Applicants with ownership

²⁵⁰ 47 C.F.R. §§ 1.2105(a)(2)(ii)(B), 1.2110 and 1.2112.

²⁵¹ 47 C.F.R. § 1.2112.

²⁵² Applicants claiming eligibility for bidding credits based on revenues are also required to disclose in separate attachments information related to arrangements for the lease or resale (including wholesale agreements) of any of the capacity of any of the applicant's spectrum. 47 C.F.R. §§ 1.2112(b)(1)(iii) and (iv). The procedure for attaching this information to the application is described below in Section I.C.6. "Attaching Additional Information," below.

information automatically entered into FCC Form 175 will proceed directly to the *View/Edit Ownership* screen described below.

Each applicant is responsible for information submitted in its FCC Form 175 being complete and accurate. Applicants should carefully review any information automatically entered to confirm that it is complete and accurate as of the deadline for submitting their short-form applications in this auction. Applicants can update the information directly in the FCC Form 175. After the deadline for filing this FCC Form 175, ownership information in a submitted FCC Form 175 will be considered to be the applicant's most current ownership information on file with the Commission.

b. Disclosable Interest Holders and FCC-Regulated Businesses

- Sections 1.2105 and 1.2112(a) of the Commission's rules list the interest holders in the applicant that must be disclosed in FCC Form 175.²⁵³
- Section 1.2112(a)(7) lists the FCC-regulated business entities, or applicants for an FCC license, that must be disclosed in FCC Form 175.²⁵⁴

The initial *Ownership* screen enables the applicant to add information regarding either a disclosable interest holder or the FCC-regulated businesses in which the applicant has an interest. Each screen will specify the information that the applicant must provide. Please note the following with respect to particular information requested:

- **If an application includes one or more disclosable interest holders with an indirect ownership in the applicant,²⁵⁵ the application must include an attachment regarding the relationship between the indirect interest holder(s) and the applicant.** The attachment should provide an overview of the ownership chain that links the indirect owners to the applicant, e.g., indirect owner X owns 50% of holding company Y; indirect owner Z owns 50% of holding company Y; and holding company Y owns 100% of the applicant.²⁵⁶ One attachment connecting all indirect owners to the applicant is sufficient. Applicants should not provide separate attachments for each indirect owner. An overview of the ownership connections is sufficient. The attachment should not duplicate all the detailed information already provided in the data fields of the FCC Form 175.
- The "Percent of Interest Held in Applicant" should reflect the disclosable interest holder's aggregate ownership interest in the applicant (both direct and indirect). In some cases, e.g., circumstances where there is joint ownership or indirect ownership resulting in different owners sharing the same ownership interests, the sum of all the percentages held by disclosable interest holders may exceed 100%. In other cases, a disclosable interest holder may have a 0% interest in the applicant, e.g., directors and officers of an entity seeking revenue-based bidding credits.²⁵⁷

²⁵³ 47 C.F.R. §§ 1.2105, 1.2112(a). Section 1.2105 requires the disclosure on the short-form application of applicant ownership information as set forth in Section 1.2112.

²⁵⁴ 47 C.F.R. § 1.2112(a)(7).

²⁵⁵ 47 C.F.R. § 1.2112(a)(6).

²⁵⁶ *Id.*

²⁵⁷ *See* 47 C.F.R. § 1.2112(b)(1)(i).

- FCC-regulated businesses in which the applicant has an interest can be entered from the initial *Add Ownership Disclosure Information* screen. FCC-regulated businesses in which a disclosable interest holder has an interest can be entered from the *Add FCC Regulated Business* screen in the series of screens for entering information about a disclosable interest holder.
- When adding an FCC-regulated business, “Percent of Interest Held” refers to the percent of interest held by the applicant or disclosable interest holder, as applicable, in the FCC-regulated business.
- To simplify filling out the FCC Form 175, applicants can click on the **Select Business(es) Already Submitted** link when entering an FCC-regulated business previously entered as an FCC-regulated business for the applicant or another disclosable interest holder. When doing so, be certain to enter the “Percent of Interest Held” in the FCC-regulated business by the current party, either the applicant or the disclosable interest holder, with respect to which the FCC-regulated business is being entered.

c. View/Edit Ownership Disclosure Information

The *View/Edit Ownership Disclosure Information* screen summarizes ownership information already entered in the FCC Form 175, either automatically from compatible ownership information on file with the Commission or directly by the applicant, and provides links enabling existing information to be revised and additional information to be added.

Existing ownership information is divided into three groups:

- Disclosable Interest Holders of this Applicant
- FCC-Regulated Businesses of this Applicant
- Affiliates of this Applicant

To view the detailed information submitted regarding the applicant, a disclosable interest holder, FCC-regulated business, or an affiliate, click on the relevant party’s name. To delete existing information or add a new entry in one of the categories, click on the relevant link. This screen also provides a link enabling applicants to add an FCC-regulated business directly to an existing disclosable interest holder, without needing to reenter the disclosable interest holder’s information.

d. Bidding Credit Revenue Information

Applicants claiming eligibility for a bidding credit based on revenues must provide revenue information described below regarding entities related by ownership. In addition, applicants are also required to provide information regarding any arrangements for the lease or resale (including wholesale agreements) of any of the capacity of any of the applicant’s spectrum, as well as the gross revenues of entities with which the applicant has an attributable material relationship as a result of such arrangements.²⁵⁸

Information regarding arrangements for lease or resale (include wholesale agreements), as well as related entities and revenues, must be provided in an attachment to the FCC Form 175. The procedure for attaching this information is described below in Section I.C.6, below.

If the applicant has claimed eligibility for a bidding credit based on revenues attributable to the applicant and related parties, the first *Ownership* screen will request relevant information regarding the applicant’s

²⁵⁸ See 47 C.F.R. §§ 1.2112(b)(1)(iii) and (iv).

revenues. The subsequent screen will request which of the two sources of financial information authorized by Section 1.2110(o) the applicant used for the revenue information.²⁵⁹

Applicants claiming eligibility for a bidding credit based on revenues are required to provide revenue information separately, and in the aggregate, for the applicant, its affiliates, its controlling interests, and affiliates of its controlling interests. In addition, if the applicant is a consortium of small businesses, the information must be provided with respect to each member comprising the consortium.²⁶⁰

The Commission's definition of an affiliate of the applicant encompasses both controlling interests of the applicant and affiliates of controlling interests of the applicant.²⁶¹ In the FCC Form 175, an applicant can enter information about itself, its disclosable interest holders, and its affiliates. **In those instances where a controlling interest or an affiliate of a controlling interest is not a disclosable interest holder, information regarding those entities should be disclosed in the "Affiliates of Applicant" screens.**

Following the first two screens, the subsequent screen will be similar to the initial *Ownership* screen described above, except applicants claiming eligibility for bidding credits will also have an option to add information regarding affiliates that are not disclosable interest holders, including the affiliates' revenues.²⁶²

Applicants that claim eligibility based on revenues attributable to the applicant and related parties will be requested to provide revenue information for each disclosable interest holder. With respect to disclosable interest holders that are affiliates or controlling interests of the applicant, applicants will fill out two screens similar to those described above with respect to the applicant, i.e., one screen requesting the relevant information and a second screen regarding the source of the revenue information.

There may be circumstances in which the revenue information need not be provided for certain disclosable interest holders. For example, some entities that must be disclosed in FCC Form 175 pursuant to Section 1.2112(a) may not be affiliates of the applicant, controlling interests of the applicant, or affiliates of the applicant's controlling interests.²⁶³ Because revenues for such disclosable interest holders are not attributable to the applicant, the applicant could indicate on the first screen requesting revenue information for that disclosable interest holder that no revenue information is required pursuant to the Commission's rules. To report that no revenue information needs to be disclosed, check the box indicating that the disclosable interest holder is not an affiliate or a controlling interest within the meaning of the Commission's rules.

Claiming Attribution Exemption for Eligible Rural Telephone Cooperatives. An applicant will be exempt from attribution of gross revenues of an affiliate or a controlling interest in the applicant if such entity meets all of the conditions set forth in Section 1.2110(b)(3)(iii) of the Commission's rules.²⁶⁴ **If an applicant claims that it (or its controlling interest) is an eligible rural telephone cooperative pursuant to Section 1.2110(b)(3)(iii), it should not check the box indicating that the disclosable**

²⁵⁹ 47 C.F.R. § 1.2110(o).

²⁶⁰ 47 C.F.R. § 1.2112(b)(1)(iii).

²⁶¹ 47 C.F.R. § 1.2110(c)(5).

²⁶² 47 C.F.R. § 1.2112(b)(1)(iii).

²⁶³ Compare 47 C.F.R. § 1.2110(c)(2) (definition of controlling interests) and (c)(5) (definition of affiliate) with 47 C.F.R. § 1.2112(a) (describing disclosable interest holders).

²⁶⁴ 47 C.F.R. § 1.2110(b)(3)(iii).

interest holder is not an affiliate or a controlling interest. The applicant should instead indicate that the affiliate or controlling interest has zero gross revenues. It must also provide, in an attachment to the FCC Form 175, an affirmative statement that the applicant, affiliate and/or controlling interest is an eligible rural telephone cooperative within the meaning of Section 1.2110(b)(3)(iii) and supply any additional information as may be required to demonstrate eligibility for the exemption from the attribution rule.²⁶⁵

In addition, an applicant may have affiliates that are not disclosable interest holders. To disclose information regarding such affiliates and their revenues required pursuant to Commission rule,²⁶⁶ applicants can click on the **ADD AFFILIATE** button on the initial *Ownership* screen. Applicants also can click on the **Add Affiliate to Applicant** link on the *View/Edit Ownership Disclosure Information* screen to disclose information regarding affiliates and their revenues.

Applicants providing information regarding an affiliate must provide the name of the affiliate and the affiliate's principal business. To simplify filling out FCC Form 175, an applicant can click on the **Select Business(es) Already Submitted** link when entering an affiliate that previously was entered as an FCC-regulated business for the applicant or a disclosable interest holder. Applicants will fill out two screens similar to those described above with respect to the affiliate, i.e., one screen requesting the relevant information and a second screen regarding the source of the revenue information.

Finally, applicants claiming eligibility for bidding credits based on revenues attributable to the applicant and related parties will be asked to confirm that they have provided information with respect to all of the relevant parties: (1) the applicant; (2) each of the applicant's officers and directors; (3) each of the applicant's other controlling interests; (4) each of the applicant's affiliates; and (5) each affiliate of the applicant's controlling interests, including its officers and directors.²⁶⁷

5. Summary

The *Summary* screens summarize information applicants have provided in previous screens, offering an overview of an applicant's FCC Form 175 to help locate specific information. The *Summary* screens will appear prior to the *Certify and Submit* screens, in order to permit the applicant to review all the information entered in previous screens and to provide an opportunity to check for errors or omissions in the information submitted.

The first *Summary* screen, the *Summary Overview* screen, lists the first four series of screens in the application and provides a **VIEW/EDIT** button to access each one.

- Clicking **VIEW/EDIT** for Applicant Information produces a *Detail for Applicant Information* screen showing the information entered for each data entry field. To change any data item, the applicant should click the **Edit** icon for the relevant data field.
- Clicking **VIEW/EDIT** for License Selection takes the applicant to the *View/Edit License Selection* screen discussed above in the License Selection section.

²⁶⁵ See Amendment of Part 1 of the Commission's Rules – Competitive Bidding Procedures. WT Docket No. 97-82 *Second Order on Reconsideration of the Third Report and Order and Order on Reconsideration of the Fifth Report and Order*, 18 FCC Rcd 10,180 (2003); *Second Order on Reconsideration of the Fifth Report and Order*, 20 FCC Rcd at 1942.

²⁶⁶ 47 C.F.R. § 1.2112(b)(1)(iii).

²⁶⁷ *Id.*

- Clicking **VIEW/EDIT** for Agreements takes the applicant to the *Agreements* screen discussed above in the Agreements section.
- Clicking **VIEW/EDIT** for Ownership takes the applicant to the *View/Edit Ownership Disclosure Information* screen discussed above in the Ownership section.

Clicking on the **CHECK ERRORS** button initiates an automated check of the application. If the automated check encounters certain inconsistencies and omissions in submitted information that must be corrected before submitting the application, the error(s) will be listed in an Error box at the top of the screen. To correct one of these errors, click its corresponding **EDIT** button. In addition, if the automated check encounters certain apparent inconsistencies or omissions that might render the application incomplete if the application is submitted with current information, the apparent error will be listed in a Warning box. To revise the information related to the apparent error, click its corresponding **EDIT** button.

Each applicant is solely responsible for providing complete and accurate information in its FCC Form 175. The automated check is provided to assist applicants in completing FCC Form 175. However, the automated check cannot be relied upon to determine whether the information provided in the FCC Form 175 is complete or accurate. The automated check may not catch all errors and applicants cannot rely on the automated check to determine the completeness or the accuracy of submitted information.

If the automated check does not encounter any errors, a box will appear displaying the message “**No Errors found - You may continue to Certify and Submit.**” Applicants may then click the **CONTINUE TO CERTIFY** button.

6. Attaching Additional Information

If an applicant needs to provide additional information not requested directly in the screens comprising the FCC Form 175, that information can be provided in an attachment. For example, applicants can describe the relationship among indirect owners of the applicant, or provide information regarding lease and resale arrangements (including wholesale) involving the spectrum capacity of applicants claiming eligibility for bidding credits.²⁶⁸

The screen for adding an attachment to FCC Form 175 can be accessed by clicking on the **Attachments** link in the upper right of any screen. The *Add Attachment* screen requests information regarding the type of attachment to be added, the name of the file to be attached, and a brief description of the attachment.

NOTE: If the attachment is a request for a waiver of any of the Commission’s rules or procedures, the applicant must identify the “Type” of attachment as a “Waiver” to facilitate prompt processing.

Once the requested information is provided, applicants can add the attachment to the application by clicking on the **ADD ATTACHMENT** button. A list of any attachments already uploaded along with the applicant’s FCC Form 175 will appear at the bottom of the screen.

²⁶⁸ Applicants claiming eligibility for bidding credits must disclose (1) a list of all parties with which the applicant has entered into arrangements for the lease or resale (including wholesale agreements) of any of the capacity of any of the applicant’s spectrum, and (2) a list, separately and in the aggregate, of the gross revenues of entities with which the applicant has an attributable material relationship. 47 C.F.R. §§ 1.2112(b)(1)(iii)-(iv). These lists should be provided in an attachment to the application, with the attachment type identified as “Other.”

When uploading attachments, applicants may use a variety of file formats, including Word 2000 or earlier, WordPerfect 5.x or later, Adobe PDF, and ASCII text. Applicants must, however, verify that the files contain all exhibit information, and files may be no larger than 10 Mb and must not be password-protected. Graphics files (e.g., .bmp, .tiff, .jpg) and spreadsheets (e.g., Excel, Lotus) are supported but not recommended.

7. Certify and Submit

The *Certify and Submit* screens are the sixth and final series of screens in FCC Form 175. In the *Certify and Submit* screens, applicants will provide certifications required of all participants in the Commission's competitive bidding processes.²⁶⁹

The first *Certify and Submit* screen requires each applicant to indicate whether the applicant, any affiliate, any controlling interest, and any affiliate of a controlling interest have ever been in default on any Commission license or have ever been delinquent on any non-tax debt owed to any Federal agency.²⁷⁰ Applicants associated with a relevant entity that previously has been in default or delinquent – but is not currently – may participate in an auction, if otherwise qualified. However, such applicants must submit an upfront payment equal to 50 percent more than otherwise required.²⁷¹

The second *Certify and Submit* screen lists the certifications required of all applicants in the Commission's competitive bidding processes and requests that the applicant's certifying official be identified and sign the application.

Who Can Certify. A short-form application can be certified by: (1) the applicant, if the applicant is an individual; (2) one of the partners, if the applicant is a partnership; (3) an officer, director, or duly-authorized employee, if the applicant is a corporation; (4) an officer, if the applicant is an unincorporated association; (5) the trustee, if the applicant is an amateur radio service club; or (6) a duly elected or appointed official who is authorized to do so under the laws of the applicable jurisdiction, if the applicant is a governmental entity.

All applicants must certify on their short-form applications under penalty of perjury that they are legally, technically, financially and otherwise qualified to hold a license.²⁷² Applicants are reminded that submission of an FCC Form 175 constitutes a representation by the certifying official that he or she is an authorized representative of the applicant and has read the form's instructions and certifications, and that the contents of the application, its certifications and any attachments are true and correct. Submission of a false certification to the Commission may result in penalties, including monetary forfeitures, license forfeitures, ineligibility to participate in future auctions, and/or criminal prosecution. As noted above, a change of certifying official is considered a major change of the short-form application and will not be permitted after the short-form deadline.

Once the two *Certify and Submit* screens have been filled out, the application may be submitted by clicking on the **SUBMIT** button.

²⁶⁹ See generally, 47 C.F.R. §§ 1.2105(a)(2) (iv)-(vii) and (ix)-(xi).

²⁷⁰ 47 C.F.R. § 1.2105(a)(2)(xi).

²⁷¹ 47 C.F.R. § 1.2106(a).

²⁷² 47 C.F.R. § 1.2105(a)(2)(v).

After the application has been submitted, a confirmation screen will be displayed that states the submission time and date, along with a unique file number. Applicants should print a copy of the confirmation page for their records. Applicants may then view and print copies of their submitted applications by clicking on the **PRINT PREVIEW** button.

Short-form applications for Auction 86 must be submitted and confirmed prior to 6:00 p.m. ET on Tuesday, August 18, 2009. Late applications or unconfirmed submissions of electronic data will not be accepted.

D. Withdrawing a Short-Form Application Before the Filing Deadline and Updating Existing Short-Form Applications

1. Withdrawing an Application

To withdraw a submitted application before the short-form application filing deadline, applicants should click on the **Withdraw Application** icon on the Auction Application Manager *Create or Review Auction Applications* page. All previously-submitted data will be deleted.

Applications may not be withdrawn after the short-form application filing deadline.

2. Updating Existing Applications

The *Create or Review Auction Applications* page displays any application created or submitted within a filing window. This page shows the application status, the date and time the application was last updated, and the date and time the application was last submitted. This page may be used as a reference to confirm the date and time of the most recent submission of the application.

To review or continue working on an existing application, an applicant should click the application auction number, which will produce the application's *Summary* page in a view/edit mode. Applicants must go to the *Certify and Submit* screens and click the **SUBMIT** button to submit any changes made to their FCC Form 175 applications. After the revised application has been submitted, a confirmation page will display the application's file number and submission time and date. Applicants should print a copy of the confirmation page for their records. Applicants may then view and print copies of their submitted applications by clicking on the **PRINT PREVIEW** button.

After the filing deadline, an applicant may make only minor changes to its short-form application. An applicant will not be permitted to make major modifications to its application (e.g., changes to its license selections or certifying official, changes in ownership of the applicant that would constitute an assignment or transfer of control, or changes in its size which would affect eligibility for a higher bidding credit).²⁷³

VII. Upfront Payment Submission

A. Upfront Payment Calculator and Form 159

Applicants may access the **Upfront Payment Calculator and Form 159** from the *Create or Review Auction Applications* page and from the *Auction Application Submit Confirmation* page. Clicking the **Upfront Payment Calculator and Form 159** icon or link will provide an applicant with a calculator to determine the appropriate upfront payment amount to submit with the FCC Form 159. From the *Calculate Upfront Payment* page, the applicant may click the **Form 159** button to obtain the FCC Form 159. For further instructions on how to submit the FCC Form 159, see Attachment D to this Public Notice.

²⁷³ 47 C.F.R. § 1.2105(b).

B. Refund of Upfront Payment

On *My Auctions* page, applicants can click on the **See Wire Transfer for Refund Purposes** link to provide wire transfer instructions for purposes of refunds of upfront payments. The Commission will use this information to refund excess funds on deposit.

VIII. Miscellaneous

A. Access to View Short-Form Applications

After the deadline for filing short-form applications, the Commission will process all timely submitted applications to determine which are complete, and subsequently will issue a public notice identifying: (1) those applications that are complete; (2) those applications rejected; and (3) those applications that are incomplete because of minor defects that may be corrected. Once that public notice is released, any interested parties may be able to view the short-form applications by searching for them in the FCC database.

To start a search, go to either <http://auctions.fcc.gov/> (primary location) or <http://auctions2.fcc.gov> (secondary location) and click the **Auction Applications** link in the Public Access area on the *FCC Integrated Spectrum Auction System* page.

B. Technical Support

For technical assistance with using FCC software, contact the FCC Technical Support Hotline at (877) 480-3201, option nine; (202) 414-1250; or (202) 414-1255 (TTY). The FCC Technical Support Hotline is available Monday through Friday from 8 a.m. to 6 p.m. ET. All calls to the FCC Technical Support Hotline are recorded.

Paperwork Reduction Act Approval: The FCC Form 175 was assigned control number 3060-0600 and was approved by the Office of Management and Budget on November 1, 2006.

ATTACHMENT D

Auction-Specific Instructions for FCC Remittance Advice (FCC Form 159-February 2003 Edition)

Upfront Payments

The following information supplements the standard instructions for FCC Form 159 (Revised 2/03), and is provided to help ensure correct completion of FCC Form 159 for upfront payments for Auction 86. Applicants need to complete FCC Form 159 carefully, because:

- **Mistakes may affect bidding eligibility; and**
- **Lack of consistency between information provided in FCC Form 159 (Revised 2/03), FCC Form 175, long-form application, and correspondence about an application may cause processing delays.**

Therefore appropriate cross-references between the FCC Form 159 Remittance Advice and the short-form application (FCC Form 175) are described below:

| Block Number | Required Information |
|-----------------|---|
| 1 | LOCKBOX # - Enter "979085" |
| 2 | Payer Name - Enter the name of the person or company making the payment. If the applicant itself is the payer, this entry would be the same as FCC Form 175. |
| 3 | Total Amount Paid - Enter the amount of the upfront payment associated with the FCC Form 159 (Revised 2/03). |
| 4-8 | Street Address, City, State, ZIP Code - Enter the street mailing address (not Post Office box number) where mail should be sent to the payer. If the applicant is the payer, these entries would be the same as FCC Form 175 from the Applicant Information section. |
| 9 | Daytime Telephone Number - Enter the telephone number of a person knowledgeable about this upfront payment. |
| 10 | Country Code - For addresses outside the United States, enter the appropriate postal country code (available from the Mailing Requirements Department of the U.S. Postal Service). |
| 11 | Payer FRN - Enter the payer's ten-digit FCC Registration Number ("FRN") registered in the Commission Registration System ("CORES"). |
| 21 | Applicant FRN (Complete only if applicant is different than payer.) - Enter the applicant's ten-digit FRN registered in CORES. |
| 24A | Payment Type Code - Enter "A86U" |
| 25A | Quantity - Enter the number "1" |
| 26A | Fee Due - Amount of Upfront Payment |
| 27A | Total Fee - Will be the same amount as 26A. |
| 28A | FCC Code 1 - Enter the number "86" (indicating Auction 86). |

NOTES:

- Do not use Remittance Advice (Continuation Sheet), FCC Form 159-C, for upfront payments.
- If applicant is different from the payer, complete blocks 13 through 21 for the applicant, using the same information shown on FCC Form 175. Otherwise leave them blank.
- Since credit card payments will not be accepted for upfront payments for an auction, leave Section E blank.

Winning Bidder Requirements, Down Payments and Final Payments

Specific information regarding down payments and final payments will be included in a post-auction public notice announcing the winning bidders.

ATTACHMENT E

Minimum Acceptable Bid Formula

The following formula used to calculate minimum acceptable bids is based on activity. After there is a provisionally winning bid for a license, the minimum acceptable bid amount for that license will be equal to the amount of the provisionally winning bid plus a percentage of that bid amount calculated using the formula below. In general, the percentage will be higher for a license receiving many bids than for a license receiving few bids.

$$A_i = (C * B_i) + ((1-C) * A_{i-1})$$

$$I_{i+1} = \text{smaller of } ((1 + A_i) * N) \text{ and } M$$

$$X_{i+1} = I_{i+1} * Y_i$$

where

A_i = activity index for the current round (round i)

C = activity weight factor

B_i = number of bidders submitting bids on the licenses in the current round (round i)

A_{i-1} = activity index from previous round (round i-1), A_0 is 0

I_{i+1} = additional percentage for the next round (round i+1)

N = minimum additional percentage or floor

M = maximum additional percentage or ceiling

X_{i+1} = additional dollar amount

Y_i = provisionally winning bid amount from the current round

Examples

$$C = 0.5, N = 0.1, M = 0.3$$

Round 1 (1 bidder submitting bids, provisionally winning bid = \$1,000,000)

1. Calculation of additional percentage for round 2:

$$A_1 = (0.5 * 1) + (0.5 * 0) = 0.5$$

$$I_2 = \text{The smaller of } [((1 + 0.5) * 0.1) = 0.15] \text{ and } 0.3 \text{ (the maximum additional percentage)}$$

$$= 0.15$$

2. Calculation of dollar amount associated with the additional percentage for round 2 (using I_2 from above):

$$X_2 = 0.15 * \$1,000,000 = \$150,000$$

3. Minimum acceptable bid amount for round 2 = \$1,150,000

Round 2 (3 bidders submitting bids, provisionally winning bid = \$2,000,000)

1. Calculation of additional percentage for round 3:

$$A_2 = (0.5 * 3) + (0.5 * 1) = 2$$

$$I_3 = \text{The smaller of } [(1 + 2) * 0.1 = 0.3] \text{ and } 0.3 \text{ (the maximum additional percentage)}$$
$$= 0.03$$

2. Calculation of dollar amount associated with the additional percentage for round 3 (using I_3 from above):

$$X_3 = 0.2 * \$2,000,000 = \$400,000$$

3. Minimum acceptable bid amount for round 3 = \$2,400,000

Round 3 (1 bidder submitting bids, provisionally winning bid = \$2,400,000)

1. Calculation of additional percentage for round 4:

$$A_3 = (0.5 * 1) + (0.5 * 2) = 1.5$$

$$I_4 = \text{The smaller of } [(1 + 1.5) * 0.1 = 0.25] \text{ and } 0.3 \text{ (the maximum additional percentage)}$$
$$= 0.25$$

2. Calculation of dollar amount associated with the additional percentage for round 4 (using I_4 from above):

$$X_4 = 0.2 * \$2,400,000 = \$480,000$$

3. Minimum acceptable bid amount for round 4 = \$2,880,000

ATTACHMENT F**Summary Listing of Judicial, Commission and Bureau Documents Addressing
Application of the Anti-Collusion Rule****A. Judicial Decisions:**

Star Wireless, LLC v. FCC, 522 F.3d 469 (D.C. Cir. 2008).

High Plains Wireless, L.P. v. FCC, 276 F.3d 599 (D.C. Cir. 2002).

B. Commission Decisions:

Service Rules for the 698-746, 747-762 and 777-792 MHz Bands, WT Docket No. 06-150, *Second Report and Order*, FCC 07-132, 22 FCC Rcd 15289, 15395 ¶¶ 285-86, 15489 (2007).

Star Wireless, LLC and Northeast Communications of Wisconsin, Inc., *Order on Review*, FCC 07-80, 22 FCC Rcd 8943 (2007).

Amendment of Part 1 of the Commission's Rules – Competitive Bidding Procedures, WT Docket No. 97-82, *Seventh Report and Order*, FCC 01-270, 16 FCC Rcd 17546 (2001).

Notice of Apparent Liability for Forfeiture of Western PCS BTA 1 Corp., *Memorandum Opinion and Order*, FCC 99-385, 14 FCC Rcd 21571 (1999); Application of Western PCS BTA I Corp., *Notice of Apparent Liability for Forfeiture*, FCC 98-42, 13 FCC Rcd 8305 (1998).

Notice of Apparent Liability for Forfeiture of US West Communications, Inc., *Order*, FCC 99-90, 14 FCC Rcd 8816 (1999); Application of US West Communications, Inc., *Notice of Apparent Liability for Forfeiture*, FCC 98-41, 13 FCC Rcd 8286 (1998).

Application of Mercury PCS II, LLC, *Memorandum Opinion and Order*, FCC 98-203, 13 FCC Rcd 23755 (1998); Applications of: Mercury PCS II, LLC, *Notice of Apparent Liability for Forfeiture*, FCC 97-388, 12 FCC Rcd 17970 (1997).

Amendment of Part 1 of the Commission's Rules – Competitive Bidding Procedures, WT Docket No. 97-82, *Third Report and Order and Second Further Notice of Proposed Rule Making*, FCC 97-413, 13 FCC Rcd 374, 463-469 ¶¶ 155-166 (1997).

Commercial Realty St. Pete, Inc., *Memorandum Opinion and Order*, FCC 96-400, 11 FCC Rcd 15374 (1996); Commercial Realty St. Pete, Inc., *Notice of Apparent Liability for Forfeiture*, FCC 95-58, 10 FCC Rcd 4277 (1995).

Implementation of Section 309(j) of the Communications Act – Competitive Bidding, PP Docket No. 93-253, *Memorandum Opinion and Order*, FCC 94-295, 9 FCC Rcd 7684, 7687-7689 ¶¶ 8-12 (1994).

Implementation of Section 309(j) of the Communications Act – Competitive Bidding, PP Docket No. 93-253, *Fourth Memorandum Opinion and Order*, FCC 94-264, 9 FCC Rcd 6858, 6866-6869 ¶¶ 47-60 (1994).

Implementation of Section 309(j) of the Communications Act – Competitive Bidding, PP Docket No. 93-253, *Second Memorandum Opinion and Order*, FCC 94-215, 9 FCC Rcd 7245, 7253-7254 ¶¶ 48-53 (1994).

Implementation of Section 309(j) of the Communications Act – Competitive Bidding, PP Docket No. 93-253, *Fifth Report and Order*, FCC 94-178, 9 FCC Rcd 5532, 5570-5571 ¶¶ 91-92 (1994).

Implementation of Section 309(j) of the Communications Act – Competitive Bidding, PP Docket No. 93-253, *Second Report and Order*, FCC 94-61, 9 FCC Rcd 2348, 2386-2388 ¶¶ 221-226 (1994).

C. Wireless Telecommunications Bureau Decisions:

Lotus Communications Corp., *Order*, DA 08-1364, 23 FCC Rcd 9107 (Wireless Telecom. Bur. 2008).

Application of Nevada Wireless, *Memorandum Opinion and Order*, DA 98-1137, 13 FCC Rcd 11973 (Wireless Telecom. Bur. 1998).

Applications of High Plains Wireless, L.P., *Memorandum Opinion and Order*, DA 97-2451, 12 FCC Rcd 19627 (Wireless Telecom. Bur. 1997).

Applications of Mercury PCS II, LLC, *Memorandum Opinion and Order on Reconsideration*, DA 97-2324, 12 FCC Rcd 18093 (Wireless Telecom. Bur. 1997); Applications of Mercury PCS II, LLC, *Memorandum Opinion and Order*, DA 97-1782, 13 FCC Rcd 5756 (Wireless Telecom. Bur. 1997).

Applications of GWI PCS, Inc., *Memorandum Opinion and Order*, DA 97-674, 12 FCC Rcd 6441 (Wireless Telecom. Bur. 1997).

Amendment of Parts 21 and 74 of the Commission's Rules With Regard to Filing Procedures in the Multipoint Distribution Service and in the Instructional Television Fixed Service, MM Docket No. 94-131, *Order*, DA 95-2292, 11 FCC Rcd 9655 (Wireless Telecom. Bur. 1995).

1. Public Notices:

Wireless Telecommunications Bureau Reminder of Anti-Collusion Rule Obligations, *Public Notice*, DA 04-3677, 19 FCC Rcd 22880 (Wireless Telecom. Bur. 2004).

Wireless Telecommunications Bureau Staff Provides Guidance on Completing the Short-Form Application (FCC Form 175) for Auction No. 40, Auction of Licenses for Lower and Upper Paging Bands, *Public Notice*, DA 01-2122, 16 FCC Rcd 16391 (Wireless Telecom. Bur. 2001).

Wireless Telecommunications Bureau Responds to Questions About the Local Multipoint Distribution Service Auction, *Public Notice*, DA 98-37, 13 FCC Rcd 341 (Wireless Telecom. Bur. 1998).

Wireless Telecommunications Bureau Provides Guidance on the Anti-Collusion Rule for D, E and F Block Bidders, *Public Notice*, DA 96-1460, 11 FCC Rcd 10134 (Wireless Telecom. Bur. 1996).

FCC Staff Clarifies Application of Anti-Collusion Rule to Broadband PCS "C" Block Reaction, *Public Notice*, DA 96-929, 11 FCC Rcd 7031 (Auc. Div. 1996).

Wireless Telecommunications Bureau Clarifies Spectrum Auction Anti-Collusion Rules, *Public Notice*, DA 95-2244, 11 FCC Rcd 9645 (Wireless Telecom. Bur. 1995).

2. Letters from the Office of General Counsel, the Wireless Telecommunications Bureau and the Media Bureau:

Letter to John Cooper, Aurora Communications, Inc., from Margaret W. Wiener, DA 06-157, 21 FCC Rcd 523 (Auc. Div. 2006).

Letter to Howard A. Kalmenson, Lotus Communications Corp., from Margaret W. Wiener, DA 06-156, 21 FCC Rcd 520 (Auc. Div. 2006).

Letter to Colby M. May from Barbara A. Kreisman and Margaret W. Wiener, DA 05-2445, 20 FCC Rcd 14648 (Video and Auc. Divs. 2005).

Letter to Robert Pettit from Margaret W. Wiener, DA 00-2905, 16 FCC Rcd 10080 (Auc. Div. 2000).

Letter to John Reardon, Mobex Communications, Inc., from Amy J. Zoslov, DA 98-1861, 13 FCC Rcd 17877 (Auc. Div. 1998).

Letter to Elliott J. Greenwald from Christopher J. Wright, DA 98-644, 13 FCC Rcd 7132 (Gen. Counsel 1998).

Letter to David L. Nace from Kathleen O'Brien Ham, DA 96-1566, 11 FCC Rcd 11363 (Auc. Div. 1996).

Letter to Mark Grady from Kathleen O'Brien Ham, DA 96-587, 11 FCC Rcd 10895 (Auc. Div. 1996).

Letter to Jonathan D. Blake from Kathleen O'Brien Ham, DA 95-2404, 10 FCC Rcd 13783 (Auc. Div. 1995).

Letter to Leonard J. Kennedy from Rosalind K. Allen, Acting Chief, Commercial Radio Division, Wireless Telecommunications Bureau (released December 14, 1994).

Letter to R. Michael Senkowski from Rosalind K. Allen, Acting Chief, Commercial Radio Division, Wireless Telecommunications Bureau (released December 1, 1994).

Letter to Gary M. Epstein and James H. Barker from William E. Kennard, General Counsel, Federal Communications Commission (released October 25, 1994).

Letter to Alan F. Ciamporcero from William E Kennard, General Counsel, Federal Communications Commission (released October 25, 1994).

D. Enforcement Bureau Decisions:

Cascade Access, L.L.C., *Notice of Apparent Liability for Forfeiture*, DA 09-207, 24 FCC Rcd 1350 (Enf. Bur. 2009).

Application of Star Wireless, LLC, *Forfeiture Order*, DA 04-3026, 19 FCC Rcd 18626 (Enf. Bur. 2004); Application of Star Wireless, LLC, *Notice of Apparent Liability for Forfeiture*, DA 03-2722, 18 FCC Rcd 17648 (Enf. Bur. 2003).

Application of Northeast Communications of Wisconsin, Inc., *Forfeiture Order*, DA 04-3027, 19 FCC Rcd 18635 (Enf. Bur. 2004); Application of Northeast Communications of Wisconsin, Inc., *Notice of Apparent Liability for Forfeiture*, DA 03-2723, 18 FCC Rcd 17672 (Enf. Bur. 2003).

E. Civil Actions Initiated by U.S. Department of Justice:

USA v. Northeast Communications of Wisconsin, Inc., No. 07-C-715, 608 F.Supp.2d 1049 (E.D.Wis. June 25, 2008).

U.S. v. Omnipoint Corp., Proposed Final Judgments and Competitive Impact Statements, Department of Justice, 63 Fed. Reg. 65,228 (Nov. 25, 1998).

“Justice Department Sues Three Firms Over FCC Auction Practices,” *Press Release*, U.S. Department of Justice (Nov. 10, 1998).

Complaint, *U.S. v. Omnipoint Corp.*, No. 1:98CV02750 (D.D.C. Nov. 10, 1998).

Complaint, *U.S. v. Mercury PCS II, L.L.C.*, No. 1:98CV02751 (D.D.C. Nov. 10, 1998).

Complaint, *U.S. v. 21st Century Bidding Corp.*, No. 1:98CV02752 (D.D.C. Nov. 10, 1998).

How to Obtain Copies of the Anti-Collusion Decisions:

Many of the documents listed in this attachment can be retrieved from the following Commission web site: <http://wireless.fcc.gov/auctions/anticollusion>.

The documents may be located by using our search engine (select the link “search”). Documents retrieved from the web site are available in various formats including Word, WordPerfect, Acrobat Reader, Excel, and ASCII Text. To review a document in its entirety, including footnotes, it is necessary to access the document in WordPerfect, MS Word, or Acrobat Reader.

Additionally, all of the documents can be ordered in hard copy for a fee from the Commission’s duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW, Room CY-B402, Washington, DC 20554, (800) 378-3160 (telephone) or <http://www.bcpweb.com>.

ATTACHMENT G

Auction 86 Seminar Registration Form

The FCC will sponsor a one-day seminar for Auction 86 applicants. The seminar is free of charge and will provide information about pre-auction procedures, service and auction rules, conduct of the auction, and the FCC Auction System.

The seminar will be held:

Wednesday, August 5, 2009
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
Registration 10:00 a.m. - 10:30 a.m.
Seminar 10:30 a.m. - 2:00 p.m.

If hotel accommodations are needed, please contact the Auctions staff at (717) 338-2868 for a list of hotels in the area.

To register, please provide the information listed below no later than Monday, August 3, 2009, by either

E-mail: Auchelp@fcc.gov
Facsimile: 717-338-2850
Phone: 717-338-2868

Note: The seminar will also be available via webcast and may be viewed by clicking on the Auction Seminar link on the Auction 86 web page, <http://wireless.fcc.gov/auctions/86/>.

I/We will attend the Auction 86 Seminar, scheduled for Wednesday, August 5, 2009.

Name of attendee: _____

Name of attendee: _____

Company name: _____

Company address: _____

Phone: _____ Fax: _____