ATTACHMENT D

INSTRUCTIONS FOR COMPLETING FCC FORM 601 AND FCC FORM 602

This attachment contains instructions for filing FCC Form 601, Application for Wireless Telecommunications Bureau Radio Service Authorization, including Schedule B for Geographically Licensed Services (FCC Form 601), and the FCC Form 602, FCC Ownership Disclosure Information for the Wireless Telecommunications Services (FCC Form 602).

The Commission's rules require that within ten business days after the release of this Public Notice, in this case by **6:00 p.m. Eastern Time (ET) on March 14. 2014,** each winning bidder must electronically file its FCC Forms 601 and 602.[1]

Most of the information provided on a winning bidder's short-form application (FCC Form 175) will be pre-filled to its long-form application (FCC Form 601) in the on-line filing process, such as:

- designated entity information, including revenue and/or bidding credit percentage information; and
- agreement information submitted in the FCC Form 175, including the name of the parties to the agreement(s).

If an applicant has an FCC Form 602 in the Commission's Universal Licensing System (ULS) by the FCC Form 601 filing deadline, the applicant is responsible for ensuring that the information on the FCC Form 602 on file with the Commission is complete and accurate. If an applicant needs to file a new or updated FCC Form 602 to reflect changes to ownership information submitted in the bidder's FCC Form 175 or to make additional updates, ULS can pre-fill the applicable ownership information from the FCC Form 175 into the FCC Form 602. Instructions for filing the FCC Form 602 are provided in Section V of this attachment.

An applicant will be able to update any information that pre-fills to its FCC Form 601 and FCC Form 602 and is responsible for ensuring that all information in its FCC Form 601 and FCC Form 602, including information pre-filled from its FCC Form 175 submission, is complete and accurate prior to submission.

I. FCC FORM 601 GENERAL REQUIREMENTS

Each applicant is strongly encouraged to use the format below to submit FCC Form 601 and exhibits to FCC Form 601 as required by the Commission's rules. Following this format will help expedite processing of FCC Form 601 and minimize follow-up requests for missing or clarifying information.

Each applicant bears full responsibility for the timely and complete submission of its long-form application (FCC Form 601). Each applicant should read the instructions on the FCC Form 601 carefully and should consult the Commission's rules to ensure that, in addition to the materials described below, all of the information that is required under the rules is included with its long-form application. Each applicant is also responsible for the continuing accuracy and completeness of information furnished in its pending application.[2] Incomplete or defective applications may be returned to the applicant.[3]

[1] *See* 47 C.F.R. § 1.2107(c), (d), (f).

[2] *See* 47 C.F.R. § 1.65.

[3] *See* 47 C.F.R. § 1.934(a), (d), (f); *see also* 47 C.F.R. § 1.933(b).

A winning bidder must file its FCC Form 601 electronically by **6:00 p.m. Eastern Time (ET) on March 14. 2014**. An applicant that fails to submit a long-form application by this deadline and fails to establish good cause for any late-filed submissions shall be deemed to have defaulted and will be subject to the default payments set forth in section 1.2104(g) of the Commission's rules.[4]

Number of Forms To Be Filed. An applicant applying for multiple licenses may submit one FCC Form 601 (including all required schedules, attachments, and exhibits) if *all* filing requirements associated with the application are identical *except* for the market designator(s) and market names(s). Ordinarily, an applicant must file a separate FCC Form 601 for licenses in each radio service code. However, because all of licenses available in Auction 96 are in one radio service – AH – an applicant can file a single FCC Form 601 for all licenses for which it is the winning bidder in Auction 96. An applicant seeking a tribal lands bidding credit in one or more markets, but not all markets, should submit two separate applications in order to distinguish those markets in which the applicant intends to apply for a tribal lands bidding credit from those markets in which the applicant is not seeking tribal lands bidding credit (see Section IV., "Instructions for Applicants Seeking Tribal Lands Bidding Credits," below).

The *CSEA/Part 1 Report and Order* modified the procedures by which a winning bidder that is a consortium applies for a license.[5] In particular, (a) each member or group of members of a winning consortium seeking separate licenses will be required to file a separate FCC Form 601 for its/their respective license(s) and, in the case of a license to be partitioned or disaggregated, the member or group filing the applicable FCC Form 601 shall provide the parties' partitioning or disaggregation agreement with the FCC Form 601; (b) two or more consortium members seeking to be licensed together shall first form a legal business entity; and (c) any such entity must meet the applicable eligibility requirements in the Commission's rules for small business status.[6] Each consortium member must use the consortium's FCC Registration Number (FRN) when filing its separate FCC Form 601.[7] Within ten (10) business days after the grant of an FCC Form 601, each licensee must substitute its individual FRN for that of the consortium.[8]

II. FILING FCC FORM 601

Basic Guidelines for Filing FCC Form 601

- Some of the data entry fields on the FCC Form 601 will be pre-filled with information from the FCC Form 175.

- The application consists of data entry fields as well as "yes or no" questions. You must respond to all of the questions on the application. If you respond "Yes" to a question, you may be required to file an attachment explaining the specific circumstances (see form for specific instructions).

[4] *See* 47 C.F.R. §§ 1.2104(g), 1.2107(c).

[5] Implementation of the Commercial Spectrum Enhancement Act and Modernization of the Commission's Competitive Bidding Rules and Procedures, WT Docket No. 05-211, *Report and Order*, 21 FCC Rcd 891, 911-12 ¶¶ 51-52 (2006) ("*CSEA/Part 1 Report and Order*").

[6] 47 C.F.R. § 1.2107(g).

[7] *See* 47 C.F.R. § 1.2107(g)(1)(i).

[8] *See* 47 C.F.R. § 1.2107(g)(1)(ii).

- An "Attachments" link is provided for uploading attachment files. You are responsible for filing all required attachments.

- Applications must be completed and submitted within the specific filing window for the auction, in this case by **6:00 p.m. Eastern Time (ET) on March 14. 2014**.

- Prior to submitting an application, you may click the "Reference Copy" link (where available) to create a preview of your completed application.

- Once an FCC Form 601 has been submitted, if you re-open the application, you must re-submit the application (by clicking the **Submit Application** button again), even if no changes are made to the application. If you do not click on the **Submit Application** button again, ULS will treat the application as not yet submitted.

Step-by-Step Instructions for Filing FCC Form 601

1. Access ULS through the Internet at **http://wireless.fcc.gov/uls**. Select the **Log In** button in the Online Filing section from this page.

   Note: Go to http://esupport.fcc.gov/index.htm?job=getting_connected for information on compatible operating systems and browser software.

2. On the ULS License Manager Login page, enter the applicant's FRN and password. Click **Submit**. ULS will verify that you have entered a valid FRN or otherwise prompt you to obtain an FRN.

   Note: You must login to ULS with the same FRN used to file your FCC Form 175.

   For additional information on the FRN, see All Universal Licensing System and Antenna Structure Registration Applicants Must Use Their FCC Registration Number(s), Effective December 3, 2001, *Public Notice*, 16 FCC Rcd 18793 (2001), available at http://wireless.fcc.gov/uls/releases/da012452.txt. For assistance, contact the FCC Support Center at (877) 480-3201, option four; TTY: (202) 414-1255. To provide quality service and ensure security, all telephone calls are recorded.

3. After entering the FRN and password correctly, the "My Applications" page or the "My Licenses" page displays the applicant's existing applications or licenses (if any) and related information. To apply for a new license, click the "Apply for a New License" link in the left-hand navigation menu.

   On the "Select Service" page, choose the "Auction Winner" dropdown menu. Then select the auction ID: #**96 – AH – AWS-H Block (1915-1920 MHz and 1995-2000 MHz).** Click **Continue.**

4. Supply the information requested by FCC Form 601 and the Commission's rules. Complete the questions on the pages as they appear, following the onscreen prompts and instructions. Use the buttons at the bottom of each page to continue to the next page or go back to the previous page. Provide attachments as instructed by clicking the "Attachments" link at the top of the page. Attachment requirements are described in Section III of this document. Be sure to use the standard attachment types and file descriptions set forth herein.

5. If you plan to file a request for a waiver or exception to the Commission's rules, select "Yes" for the appropriate question on the Application Information page and enter the number of rule waivers being requested. Then upload an exhibit that includes citations to the specific rule sections and the circumstances for justifying the waiver request(s). Refer to the guidelines below for Exhibit F: Waiver Requests.

6. On the "Markets" page, the system pre-fills the Markets Summary table with data for the license(s) the applicant won in Auction 96. The "Include in Application" column contains a checkbox for each license won. Initially, all checkboxes are selected indicating that you want to include all the licenses won in this application. To unselect a license, clear its checkbox and click **Save**. The checkbox lets you apply for the winning licenses in batches, rather than all in one application. This is important if you intend to seek a tribal lands bidding credit in some but not all markets. Click **Continue**.

7. The next page must be completed by applicants seeking a tribal lands bidding credit. If you are applying for markets in which you intend to seek tribal lands bidding credits, see Section IV of this attachment.

8. Agreement information that was provided on an applicant's FCC Form 175 will be pre-filled into its FCC Form 601. Applicants should carefully review this information to confirm that it is complete and accurate. An applicant can edit any information that was pre-filled, delete existing agreements, and/or add additional agreements, if needed. In addition, if the applicant has entered into, intends to enter into, or is in the process of negotiating any agreements that could affect its designated entity status, you must answer the appropriate question "Yes" on the "Agreement Information" page, and list the agreement name, agreement type, and parties to the agreement. Further, each applicant must summarize its agreements, and provide a copy of each such agreement as part of Exhibit D. Refer to the guidelines below for Exhibit D: Agreements & Other Instruments.

9. For applicants seeking a designated entity bidding credit, revenue information for the Applicant, Disclosable Interest Holder(s), and Affiliate(s) will be pre-filled from its FCC Form 175 into the FCC Form 601. Each applicant is responsible for ensuring that the information is complete and accurate. Applicants can edit any revenue information that was pre-filled. If there have been changes to the Applicant, Disclosable Interest Holder(s), or Affiliate(s) revenue information submitted on an applicant's FCC Form 175, or additional information needs to be added, answer the appropriate question "Yes" on the "Revenue and Asset Information for Applicant" page and attach an exhibit with the additional information and a summarization of the revenue changes from the figures submitted with the FCC Form 175. Refer to the guidelines below for Exhibit C: Designated Entities. The "Yes" answer will enable the revenue data fields and allow edits or additions to the revenue information for the Applicant. Continue to the "Revenue and Asset Information for Disclosable Interest Holder(s)" page and the "Revenue and Asset Information for Affiliate(s)" page to edit any information pre-filled from an applicant's FCC Form 175, or to delete or add additional entities and their revenue information.

   Note: ULS requires a valid FRN for each of the Disclosable Interest Holders and Affiliates pre-filled from the FCC Form 175 or added to the FCC Form 601 filing.

10. Information required by section 1.2110(j) of the Commission's rules regarding Attributable Material Relationships must be included in Exhibit C. Refer to the guidelines below for Exhibit C: Designated Entities.

11. Continue completing the questions on the pages as they appear, following the onscreen prompts and instructions until you reach the "Summary" page. Use the view and edit capabilities to review the application to confirm that it is complete and accurate. Correct information as necessary. Once you are confident that the application is ready for certification and submission, click on the **Continue to Certify** button.

12. The "Certification" page provides General Certification Statements. The Commission has added a new certification to the various other certifications that a party must make in a FCC Form 601. This newly-adopted certification implements the national security restriction of Section 6004 of the Middle Class Tax Relief and Job Creation Act of 2012 ("Spectrum Act")[9] by requiring any applicant to certify, under penalty of perjury, that the applicant and all of the related individuals and entities required to be disclosed on its application are not person(s) who have been, for reasons of national security, barred by any agency of the Federal Government from bidding on a contract, participating in an auction, or receiving a grant, and who are thus statutorily prohibited from participating in an auction that is required or authorized to be conducted pursuant to the Spectrum Act.[10] By "signing" this form, an applicant certifies that the statements listed in this section are true, complete, correct, and made in good faith.

13. To submit the application to the Commission, click the **Submit Application** button.

14. After the application has been submitted, a Confirmation page displays a file number. Applicants should print a copy of the Confirmation page for their records by choosing the "Print" option from the "File" menu of the Web browser. Applicants can also print a copy of their complete application by selecting the "Reference Copy" link. Use the "**Log Out**" link at the top left of the page to exit ULS online filing.

Updating an FCC Form 601

Changes before FCC Form 601 Deadline. An applicant may access its application to make changes until the **March 14. 2014**, filing deadline using the following steps:

- If you quit your application at any time prior to submitting it, it will be saved in ULS. To continue working on a saved application, log in to ULS License Manager. Choose the My Applications link from the menu on the left side of the page and click on the "Saved" link. Click the link next to your saved application. On the next page, "Application At A Glance," choose the **Continue** link under the "Work on This Application" menu. Saved applications for an auctionable service must be completed and submitted within the ten-day filing window. Any application that is not submitted by the deadline will not be reviewed by the Commission.

- Once you click the **Submit Application** button, ULS will assign a file number to the application. To make changes to a submitted application, log in to ULS License Manager. Choose the "My Applications" link from the left side of the page. Then choose the "Submitted Applications" link. Click on the file number of your application, and choose the "Update" link from the "Work on This Application" menu on the right side of the page. You must click the **Submit Application**

[9] 47 U.S.C § 1404; *see* Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156 (2012)("Spectrum Act").
[10] *See* Service Rules for the Advanced Wireless Services H Block—Implementing Section 6401 of the Middle Class Tax Relief and Job Creation Act of 2012 Related to the 1915-1920 MHz and 1995-2000 MHz Bands, *Report and Order*, FCC 13-88, 28 FCC Rcd 9483, 9577-78 ¶¶ 253-54 (2013).

button prior to the close of the ten-day filing window (i.e., by **6:00 p.m. Eastern Time (ET) on March 14. 2014)**.

Important: If you open an application after you have clicked the **Submit Application** button, even if you make no changes to the application, you must click the **Submit Application** button again. If you do not, ULS will treat the application as not yet submitted.

Changes after FCC Form 601 Deadline. To change any information on your application **after** the ten day filing window has closed, log into the ULS License Manager with the applicant's FRN and Password. Choose the "My Application" link from the left side of the page. Then click "Pending Applications." Click on the file number of your application, and choose the "Update" link from the "Work on This Application" menu on the right side of the page.

Important: Any changes made to an application after the filing window has closed constitute an amendment to the application in ULS. The Commission's rules contain limitations on the filing of major amendments after the **March 14. 2014**, deadline that may affect the applicant's legal rights.[11] Acceptance of an amendment by the Commission's ULS does not constitute a determination that the amendment is allowed under the Commission's rules. Applicants are advised to consult Commission's rules in this regard prior to filing any change/amendment to their applications after the filing window has closed. Once the Commission has granted a license, you may request a modification.

Technical Support with Filing FCC Form 601

For technical assistance with filing the FCC Form 601, contact the ULS Technical Support Hotline at (877) 480-3201, option 2, (717) 338-2888, or (717) 338-2824 (TTY). The ULS Technical Support Hotline is available Monday through Friday from 8:00 a.m. to 6:00 p.m. ET. There are no weekend hours, and the hotline is closed on all Federal holidays. To provide quality service and ensure security, all telephone calls are recorded.

III. ORGANIZATION OF APPLICATION EXHIBITS

FCC Form 601 and Rule-Related Exhibits. Any exhibits to be attached to an application in response to a question on the Main Form or Schedule B of FCC Form 601 or as specified in the Commission's rules should be identified as specified in the instructions to the FCC Form 601. Applicants should select the "Attachments" link to connect to the "Attachments" page. Select the appropriate attachment type from the pull-down menu, enter the correct attachment description (listed below) in the text box provided, browse for your file, and click on the **Add Attachment** button. The electronic filing software will accept many different types of computer files. For a full list of acceptable file formats, see http://esupport.fcc.gov/attachments.htm#types. Do not add password protection to attached files.

Provide exhibit attachments in ULS as applicable. Any exhibits to be attached to an application as a result of Commission rule requirements should be identified as follows:

Title
Exhibit A: Ownership
Exhibit B: Foreign Ownership
Exhibit C: Designated Entities

[11] *See* 47 C.F.R. §§ 1.927, 1.2107(c).

Exhibit D: Agreements & Other Instruments
Exhibit E: Confidentiality Requests
Exhibit F: Waiver Requests
Exhibit G: Miscellaneous Information
Exhibit I: Geographic Overlap Statement
Exhibit X: Tribal Lands Bidding Credit Waiver Requests[12]
Exhibit Y: Tribal Government Certification[13]
Exhibit Z: Tribal Lands Bidding Credit Applicant Certification[14]

As specified in the instructions to the FCC Form 601, each page of each exhibit must be identified with the letter of the exhibit, the number of the page of the exhibit, and the total number of pages of the exhibit. For example, "Exhibit A, Page 1 of 10".

EXHIBIT A: OWNERSHIP INFORMATION

Section 1.2112 of the Commission's rules requires that each applicant for a license shall disclose fully the real party- or parties-in-interest.[15] This requirement may be fulfilled by providing an attachment referencing the file number, date, and name of filer of the appropriate FCC Form 602. For information regarding the filing of the FCC Form 602, see Section V of this attachment. To provide this information, applicants should upload the file, select Attachment Type "Ownership," and enter "**Exhibit A: Ownership**" in the "Description" field on the "Attachments" page.

Although ownership information can be provided by referencing the FCC Form 602, applicants should first confirm that their current FCC Form 602 accurately reflects all information discussed below and as required under section 1.2112 of the Commission's rules.

Direct Ownership. An applicant must provide information regarding its direct ownership as follows:

- *General Rule:* The applicant must provide the name, address, and citizenship of any party holding 10 percent or more of stock in the applicant, whether voting or nonvoting, common or preferred, including the specific amount of the interest or percentage held.[16]

- If the applicant is a general partnership, provide the name, address, and citizenship of each partner, and the share or interest participation in the partnership.[17]

- If the applicant is a limited partnership, provide the name, address, and citizenship of each limited partner whose interest in the applicant is 10 percent or greater (as calculated according to either

[12] An applicant applying for a tribal lands bidding credit for any markets for which it was the winning bidder must attach all tribal government certifications, applicant certifications, and waiver exhibits, as applicable, within 180 days after filing its long-form application. See discussion in Section IV. An applicant does not need to include these attachments in an application in which tribal lands bidding credits are not being sought. *See* Extending Wireless Telecommunications Services to Tribal Lands, *Second Report and Order and Second Further Notice of Proposed Rulemaking*, 18 FCC Rcd 4775, 4778-79 ¶ 10 (2003) ("*Tribal Lands Second Report and Order*").

[13] *Id.*

[14] *Id.*

[15] *See* 47 C.F.R. § 1.2112.

[16] *See* 47 C.F.R. § 1.2112(a)(2).

[17] *See* 47 C.F.R. § 1.2112(a)(4).

the percentage of equity paid in or the percentage of distribution of profits and losses).[18] In addition, if the applicant is a limited partnership, provide the name, address, and citizenship of each general partner, and the share or interest participation in the partnership.[19]

- If the applicant is a limited liability company, provide the name, address, and citizenship of each of its members whose interest in the applicant is 10 percent or greater.[20]

Indirect Ownership. Applicants must identify all parties holding a 10 percent or greater indirect ownership interest in the applicant, as determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain.[21] If the ownership percentage for an interest in any link in the chain exceeds fifty percent or represents actual control, it shall be treated and reported as if it were a one hundred percent interest.[22]

Other Disclosable Interests and Entities. An applicant must list any Commission-licensed or -regulated entity and any applicant for a Commission license or authorization in which the applicant or any of the parties required to be identified by the applicant pursuant to sections 1.2112(a)(1)-(5) of the Commission's rules owns 10 percent or more ownership interest, whether voting or nonvoting, common or preferred.[23] This list must include a description of each such entity's principal business and a description of each entity's relationship to the applicant.[24]

Complex Ownership Situations. To facilitate the long-form review process, applicants whose ownership structures involve multiple layers are encouraged to provide a narrative and organizational chart detailing the relationships of the various entities.

EXHIBIT B: FOREIGN OWNERSHIP

An applicant that answers "Yes" to Question 47 or 48a on FCC Form 601 must provide an attachment consisting of one of the showings specified in (i), (ii), or (iii) below or the Commission will otherwise dismiss the application without further consideration:

(i) a demonstration that the applicant is exempt from the provisions of Section 310(b)(3) and Section 310(b)(4) of the Communications Act, as amended, or

(ii) a statement that the applicant has received prior Commission approval of its foreign ownership pursuant to the Commission's Section 310(b)(3) forbearance approach, or has received prior Commission approval of the foreign ownership of its direct and/or indirect controlling U.S. parent company(ies) pursuant to Section 310(b)(4), together with citation(s) to the relevant declaratory ruling(s) received by the applicant (i.e., DA or FCC Number, FCC Record citation if available, and release date), and a statement specifying that the Applicant is in compliance with the terms and conditions of its ruling and with the Commission's rules; or

[18] *See* 47 C.F.R. § 1.2112(a)(3).

[19] *See* 47 C.F.R. § 1.2112(a)(1).

[20] *See* 47 C.F.R. § 1.2112(a)(5).

[21] *See* 47 C.F.R. § 1.2112(a)(6).

[22] *See id*.

[23] *See* 47 C.F.R. § 1.2112(a)(7).

[24] *See id*.

(iii) A copy of a petition for declaratory ruling filed pursuant to (A) Section 1.990(a)(1) of the Commission's rules, 47 C.F.R. § 1.990(a)(1), requesting Commission approval of the foreign ownership of its direct and/or indirect controlling U.S. parent company(ies); or (B) Section 1.990(a)(2) of the Commission's rules, 47 C.F.R. § 1.990(a)(2), requesting Commission approval of the applicant's foreign ownership, held through one or more intervening U.S.-organized entities that hold non-controlling equity and/or voting interests in the applicant, along with any foreign interests held in the applicant directly (which shall not exceed 20 percent of its equity interests and/or 20 percent of its voting interests). The petition may be filed electronically on the Internet through the International Bureau Filing System (IBFS) and shall otherwise comport with the requirements of Sections 1.990 through 1.994 of the Commission's rules, 47 C.F.R. §§ 1.990-1.994.

With respect to the showing specified in (ii) above, an applicant that is relying on a foreign ownership ruling(s) issued to an "affiliate" pursuant to the Commission's Section 310(b)(3) forbearance approach and Section 1.990(a)(2) of the Commission's rules, or pursuant to Section 310(b)(4) and Section 1.990(a)(1) of the Commission's rules, shall include in its showing a certification signed by the affiliate, a U.S.-organized successor-in-interest formed as part of a *pro forma* reorganization, or a controlling parent company, stating that the affiliate or successor-in-interest is in compliance with the terms and conditions of the foreign ownership ruling(s) and the Commission's rules. See Section 1.994(b) of the rules, 47 C.F.R. § 1.994(b). See also Section 1.990(d)(2) (defining the term "affiliate" for purposes of Sections 1.990-1.994 of the rules).

Additionally, if the applicant answers "Yes" to 47 or 48a, the applicant must respond to Question 48b to enable the Commission to determine whether the applicant has attached to its application the appropriate foreign ownership showing required by the Commission's *Foreign Ownership Second Report and Order*[25] and the foreign ownership rules adopted in that Order, 47 C.F.R. §§ 1.990-1.994.

To provide the information required, the applicant should select Attachment Type "Ownership" and enter "**Exhibit B: Foreign Ownership**" in the Description field on the Attachments page.

- *Item (1)* The showings specified in (i) and (ii) above, and information required by Question 48b, may be provided in narrative format.

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- *Item (2) Petitions for Declaratory Ruling*: In keeping with the foreign ownership pre-approval process adopted in the *Foreign Ownership Second Report and Order*,[26] an auction applicant is required to certify in its short-form application (FCC Form 175) that, as of the deadline for filing short-form applications for a given auction, the applicant is in compliance with the foreign ownership requirements of Section 310 or that it has filed a request for relief from those requirements that is pending with the Commission.[27] Similarly, where foreign ownership is at issue, an applicant must indicate in its long form application (FCC Form 601) that it either has received a declaratory ruling that grants it permission to exceed the statutory foreign ownership limit or benchmark in Section 310(b), or that it has a request to do so that is currently pending

[25] *See* Review of Foreign Ownership Policies for Common Carrier and Aeronautical Radio Licensees under Section 310(b)(4) of the Communications Act of 1934, as Amended, *Second Report and Order*, 28 FCC Rcd 5741 (2013) ("*Foreign Ownership Second Report and Order"*).

[26] *Id.* at 5763 ¶ 37; *see also* 47 C.F.R. § 1.990(a)(1), (2).

[27] 47 C.F.R. § 1.2105(a)(2)(v), (vi).

before the Commission. An applicant's petition for a declaratory ruling to exceed the statutory limit or benchmark in Section 310(b)(3) or (b)(4), respectively, must be granted before any license for which the applicant is a high bidder may be granted.

EXHIBIT C: DESIGNATED ENTITIES

As noted previously, revenue information for the Applicant, Disclosable Interest Holder(s), and Affiliate(s) will be pre-filled from the short-form application (FCC Form 175) into the FCC Form 601. Applicants, however, must review the pre-filled designated entity information and confirm its accuracy by applying the guidelines provided below. If necessary, an applicant should update the pre-filled revenue information in its FCC Form 601. Any other designated entity information must be provided by uploading a file, selecting Attachment Type "Ownership" and entering "**Exhibit C: Designated Entities**" in the "Description" field on the "Attachments" page. For example, applicants can use Exhibit C to provide information for entities with which they have an attributable material relationship as required by the Commission's rules. In addition, an applicant can use Exhibit C to explain any updates to the pre-filled information from its FCC Form 175, why certain entities should not be attributed to the applicant, and why certain relationships should not be considered attributable material relationships.

Pursuant to section 1.2110(f)(1) of the Commission's rules, the Commission may award bidding credits (i.e., payment discounts) to eligible designated entities.[28] For licenses available in the 1915-1920 MHz and 1995-2000 MHz bands (H Block) in Auction 96, sections 27.1002(a)(1)-(2) of the Commission's rules specify that small and very small businesses (and consortia thereof) are eligible for bidding credits in the following manner:

- **Small businesses:** A small business that, together with its affiliates and controlling interests, has had average annual gross revenues that do not exceed **$40 million** for the preceding three years, is eligible for a bidding credit of **fifteen percent (15%)** to lower the cost of its winning bids.[29]

- **Very small businesses:** A very small business that, together with its affiliates and controlling interests, has had average gross revenues that exceed **$15 million** for the preceding three years, is eligible for a bidding credit of **twenty-five percent (25%)** to lower the cost of its winning bids.[30]

Gross Revenues Test for Small and Very Small Businesses. For purposes of determining whether an applicant is eligible for status as a small or very small business, the gross revenues of the applicant, its affiliates, its controlling interests, the affiliates of its controlling interests, and the entities with which it has an attributable material relationship[31] shall be considered on a cumulative basis and aggregated.[32] In accordance with section 1.2110(o) of the Commission's rules, the applicant must provide the gross revenues for the most recently completed three calendar or fiscal years preceding the filing of the applicant's short-form application (FCC Form 175), separately and in the aggregate for the applicant, each of its affiliates, each of its controlling interests, each of the affiliates of its controlling interests, and

[28] *See* 47 C.F.R. § 1.2110(f)(1). *See also* 47 C.F.R. §§ 27.1002(a), (b).

[29] *See* 47 C.F.R. §§ 1.2110(f), 27.1002(a)(1), 27.1002(b).

[30] *See* 47 C.F.R. §§ 1.2110(f),27.1002(a)(2), 27.1002(b).

[31] 47 C.F.R. §§ 1.2110(b)(1)(i), 1.2110(b)(3)(iv)(B). *See also Part 1 Fifth Report and Order*, 15 FCC Rcd at 15323-27 ¶¶ 59-67.

[32] *See* 47 C.F.R. §§ 1.2110(b)(1), 1.2112(b)(2).

each of the entities with which it has an attributable material relationship.[33] Gross revenues for purposes of determining eligibility are defined in section 1.2110(o) of the Commission's rules.[34]

For a Consortium of Small or Very Small Businesses. An applicant that applied as a consortium of small or very small businesses, as described in section 1.2110(b)(3)(i) of the Commission's rules, must compute and indicate gross revenues as outlined above for *each* small or very small business in the consortium.[35] That is, each business entity comprising the small or very small business consortium must qualify and show gross revenues separately. The average gross revenues of the small or very small businesses in the consortium shall not be aggregated.[36] As stated above, each consortium member, which must be a separate, distinct and independent legal entity, must file a separate FCC Form 601 and FCC Form 602.[37] When filing the FCC Form 601, each entity comprising a consortium should report the gross revenues of only that particular consortium member, along with its affiliates, its controlling interests, the affiliates of its controlling interests, and the entities with which it has an attributable material relationship.

For a Rural Telephone Cooperative. Section 1.2110(c)(2)(ii)(F) states that officers and directors of an applicant shall be considered to have a controlling interest.[38] An applicant that is a rural telephone cooperative is exempt for the purpose of attribution from section 1.2110(c)(2)(ii)(F) of the Commission's rules, if it complies with section 1.2110(b)(3)(iii) of the Commission's rules.[39] In the absence of such an exemption, gross revenues of all controlling interests, including officers and directors, must be attributed to the applicant for purposes of claiming eligibility for designated entity benefits.[40]

In its Exhibit C attachment, an applicant seeking the rural telephone cooperative exemption needs to demonstrate how it complies with section 1.2110(b)(3)(iii) of the Commission's rules. An applicant will be exempt from attributing the officers and directors of the applicant and any controlling interests, if the applicant or a controlling interest is:

- Organized as a cooperative pursuant to state law;[41]
- A rural telephone company as defined by the Communications Act; and
- Eligible for tax-exempt status under the Internal Revenue Code or adheres to the cooperative principles articulated in *Puget Sound Plywood, Inc. v. Commission of Internal Revenue*, 44 T.C. 305 (1965).[42]

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[33] 47 C.F.R. § 1.2110(o), 1.2112(b)(2)(v). *See also* 47 C.F.R. § 1.2110(b)(1)(i).

[34] 47 C.F.R. § 1.2110(o).

[35] *See* 1.2110(b)(3)(i).

[36] *See* 47 C.F.R. § 1.2110(b)(3)(i).

[37] *See* 47 C.F.R. § 1.2107(g)(1)(i); *see also CSEA/Part 1 Report and Order*, 21 FCC Rcd at 911-12 ¶¶ 51-52.

[38] 47 C.F.R. § 1.2110(c)(2)(ii)(F).

[39] 47 C.F.R. § 1.2110(b)(3)(iii), 1.2110(c)(2)(ii)(F).

[40] 47 C.F.R. § 1.2110(b)(1)(i), (c)(2)(ii)(F).

[41] If this condition cannot be met because the relevant jurisdiction does not have a statute that specifies requirements for organization as a cooperative, the applicant must show it is validly organized and its articles of incorporation, by-laws and/or other documents provide that it operates pursuant to cooperative principles. 47 C.F.R. § 1.2110(b)(3)(iii)(A)(2).

[42] 47 C.F.R. § 1.2110(b)(3)(iii)(A); *see also* 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 10180, 10190-95 ¶¶ 15-20 (2003); Amendment of Part 1 of the Commission's Rules – Competitive Bidding Procedures, WT Docket No. 97-82, *Second*

Controlling Interests and Affiliates. All controlling interests and affiliates, as defined by the Commission's rules, must be included in the gross revenue calculations discussed above.[43]

Material Relationships. In determining eligibility for bidding credits, the Commission requires consideration of certain agreements or relationships for the lease or resale of its spectrum capacity.[44] Such relationships are referred to as "attributable material relationships."[45] An applicant has an attributable material relationship when the applicant has one or more agreements with any individual entity, including entities and individuals attributable to that entity, for the lease (under either spectrum manager or *de facto* transfer leasing arrangements) or resale (including under a wholesale arrangement) of, on a cumulative basis, more than 25 percent of the spectrum capacity of any individual license that is held by the applicant or licensee.[46] The attributable material relationship will cause the gross revenues of that entity and its attributable interest holders to be attributed to the applicant or licensee for the purposes of determining the applicant's or licensee's (i) eligibility for designated entity benefits and (ii) liability for "unjust enrichment"[47] on a license-by-license basis.[48]

Minority-Owned and Women-Owned Business and Rural Telephone Companies. The Commission is interested in the status of applicants as minority-owned and women-owned businesses and rural telephone companies for statistical purposes, even if the applicant is ineligible for bidding credits.[49] This information is collected in ULS and does not need to be included in an attachment.

EXHIBIT D: AGREEMENTS & OTHER INSTRUMENTS

Bidding Agreements. Each applicant must provide a detailed explanation of the terms and conditions and parties involved in any bidding consortia, joint ventures, partnerships, or other agreements or arrangements entered into relating to the competitive bidding process prior to the time the bidding was completed.[50] A list of the agreements disclosed on an applicant's short-form application (FCC Form 175)

Order on Reconsideration of the Fifth Report and Order, 20 FCC Rcd 1942 (2005).

[43] *See* 47 C.F.R. § 1.2110(b)(1)(i), (c)(2), (c)(5).

[44] 47 C.F.R. § 1.2110(b)(3)(iv)(A); Implementation of the Commercial Spectrum Enhancement Act and Modernization of the Commission's Competitive Bidding Rules and Procedures, WT Docket No. 05-211, *Second Report and Order and Second Further Notice of Proposed Rulemaking*, 21 FCC Rcd 4753, 4759-66 ¶¶ 15-30 (2006) ("*CSEA/Part 1 Second Report and Order*"), *modified by erratum*, 21 FCC Rcd 6622 (2006), *clarified by Order on Reconsideration*, 21 FCC Rcd 6703, 6710-15 ¶¶ 15-30 (2006) ("*CSEA/Part 1 Order on Reconsideration of Second Report and Order*"), petitions for reconsideration pending, *affirmed in part by Council Tree Communications, Inc. v. FCC*, 619 F.3d 235 (3d Cir. 2110) (affirming attributable material relationship rule and vacating impermissible material relationship rule); *see also Auction 92 Procedures Public Notice*, 26 FCC Rcd at 3358 ¶¶ 72-73 (summary of material relationship rule).

[45] *See* 47 C.F.R. § 1.2110(b)(3)(iv)(B).

[46] *See* 47 C.F.R. § 1.2110(b)(3)(iv)(B); *CSEA/Part 1 Second Report and Order*, 21 FCC Rcd at 4759-66 ¶¶ 15-30; *see also CSEA/Part 1 Order on Reconsideration of Second Report and Order*, 21 FCC Rcd at 6703.

[47] The repayment obligations of designated entities are governed by a five-year unjust enrichment schedule. *See Council Tree Communications, Inc. v. FCC*, 619 F.3d at 258 (vacating ten-year unjust enrichment schedule).

[48] *CSEA/Part 1 Second Report and Order*, 21 FCC Rcd at 4759-60 ¶ 15, 4763-65 ¶¶ 25-30, 4765-68 ¶¶ 31-41; *see also CSEA/Part 1 Order on Reconsideration of Second Report and Order*, 21 FCC Rcd at 6712-13 ¶¶ 24-26; and 47 C.F.R. §§ 1.2110(b)(3)(iv)(B), 1.2111(d).

[49] *See* 47 C.F.R. § 1.2110(c)(3), (4).

[50] *See* 47 C.F.R. § 1.2107(d).

will be pre-filled on its FCC Form 601, but should be updated as necessary. Any other additional information should be provided by uploading a file, selecting Attachment Type "Other" and entering **"Exhibit D: Agreements & Other Instruments"** in the "Description" field on the "Attachments" page.

Other Agreements. To comply with the requirements of Commission rule sections 1.2110(j) and 1.2112(b)(2)(iii)-(iv) and (vi)-(vii) relating to designated entities, all agreements must be listed on the FCC Form 601 and each applicant must provide a summary of its agreements.[51] Each applicant must list, summarize, and provide the dates on which it entered into all agreements that support the applicant's designated entity eligibility, including the establishment of *de facto* and *de jure* control or the presence or absence of attributable material relationships.[52] Each applicant must also list and summarize any agreements that it entered into for the lease or resale/wholesale of any of the spectrum capacity of the licenses[53] and, if seeking the rural telephone cooperative exemption, all documentation to establish eligibility pursuant to section 1.2110(b)(3)(iii)(A) of the Commission's rules.[54] Further, an applicant must list and summarize any investor protection agreements, including rights of first refusal, supermajority clauses, options, veto rights, rights to hire and fire employees, and to appoint members to boards of directors or management committees.[55] Pursuant to sections 1.2110(j) and 1.2112(b)(2)(iii) of the Commission's rules, such agreements and instruments include, but are not limited to:

- Articles of incorporation and bylaws;
- Shareholder agreements;
- Voting or other trust agreements;
- Partnership or Limited Liability Company (LLC) agreements;
- Management agreements;
- Joint marketing agreements;
- Franchise agreements;
- Lease and resale/wholesale agreements; and
- Any other relevant agreements (including letters of intent), oral or written.

Applicants must upload the information in a file, select Attachment Type "Other" and enter "**Exhibit D: Agreements & Other Instruments**" in the "Description" field on the "Attachments" page. Copies of agreements required by section 1.2110(j) of the Commission's rules must be included in Exhibit D.[56] Any applicant with a significant number of reportable agreements or significantly lengthy agreements can elect to submit a separate Exhibit D attachment for the summary of agreements and for each agreement itself. For those applicants with significant upload requirements, submitting separate agreements would ease the electronic filing process on ULS. For example, an applicant can submit one attachment for the list and summary of agreements and upload it with the caption "Exhibit D: List and Summary of Agreements" and then submit an attachment for each agreement, e.g., "Exhibit D: LLC Agreement," "Exhibit D: Lease Agreement." Applicants may elect to seek confidentiality for the agreements pursuant to section 0.459 of the Commission's rules.[57]

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[51] 47 C.F.R. §§ 1.2110(j), 1.2112(b)(2)(iii)-(iv), (vi)-(vii).

[52] *See* 47 C.F.R. §§ 1.2110(j), 1.2112(b)(2)(i).

[53] *See* 47 C.F.R. §§ 1.2110(j), 1.2112(b)(2)(iii), (vii).

[54] *See* 47 C.F.R. §§ 1.2110(b)(3)(iii)(A), 1.2112(b)(2)(vi).

[55] *See* 47 C.F.R. § 1.2112(b)(2)(iv).

[56] 47 C.F.R. § 1.2110(j) ("[D]esignated entities must file with their long-form applications a copy of each such agreement.").

[57] *See* 47 C.F.R. § 0.459; *see also* discussion of confidentiality requests under "Exhibit E: Confidentiality Requests" below.

EXHIBIT E: CONFIDENTIALITY REQUESTS

All applicants should be aware that all information required by the Commission's rules is necessary to determine each applicant's qualifications to be a Commission licensee and, as such, will be available for public inspection. Information that is commercial, financial, privileged, or that contains a trade secret may be redacted, and confidentiality may be sought pursuant to section 0.459 of the Commission's rules.[58] An applicant requesting confidential treatment for any information required as a condition to participate in the auction must follow the procedures set out in section 0.459 of the Commission's rules. Because the required information bears on an applicant's qualifications, the Commission envisions that confidentiality requests will not be granted routinely.

If an applicant has sought confidential treatment of any information, it must attach a statement explaining the request and referencing the particular information for which confidential treatment has been requested. To provide this information, the applicant should upload this statement as a file, select Attachment Type "Other" and enter "**Exhibit E: Confidentiality Requests**" in the "Description" field on the "Attachments" page.

Note: An applicant must select Attachment Type "Confidentiality" for the particular exhibit for which it is requesting confidential treatment. Otherwise, the attachment will be available for public inspection.

EXHIBIT F: WAIVER REQUESTS

Note: This Section does not apply to tribal lands bidding credit waiver requests. For tribal lands bidding credit waiver requests, see Section IV, "Exhibit X: Tribal Lands Bidding Credit Waiver Requests."

In the event an applicant wishes to file a request for waiver of a Commission rule,[59] the request should be filed with the corresponding application. The applicant should upload its waiver request as a file, select Attachment Type "Waiver" and enter "**Exhibit F: Waiver Requests**" in the "Description" field on the "Attachments" page.

Waiver requests filed after the submission of the FCC Form 601 may result in a delay of the processing of the application. If a request for waiver is filed separately from the FCC Form 601, such request must refer to the corresponding application, including its file number.

EXHIBIT G: MISCELLANEOUS INFORMATION

In the event that a winning bidder wishes to provide any additional information that does not fall within the description of any of the other exhibits, these documents or files should be submitted by selecting Attachment Type "Other" and entering "**Exhibit G: Miscellaneous Information**" in the "Description" field on the "Attachments" page.

[58] *See* 47 C.F.R. § 0.459.

[59] *See* 47 C.F.R. § 1.925.

EXHIBIT I: GEOGRAPHIC OVERLAP STATEMENT

Applicants should state whether any of the spectrum to be acquired by the applicant as a result of this auction would create a geographic overlap with other spectrum in which the applicant, or an affiliate of the applicant, already holds a direct or indirect interest (of 10 percent or more), either as a licensee or spectrum lessee, and that also could be used to provide interconnected mobile voice and/or data services.[60]

IV. INSTRUCTIONS FOR APPLICANTS SEEKING TRIBAL LANDS BIDDING CREDITS

Filing the FCC Form 601 When Seeking Tribal Lands Bidding Credits

If applicant is interested in receiving a tribal lands bidding credit, it must apply to do so when initially filing the FCC Form 601 in ULS (see Section II, "Filing FCC Form 601").

1. Select "Yes" on the page asking if you intend to seek a Tribal Lands Bidding Credits.
2. On the Seek Tribal Lands Bidding Credit page, indicate each market for which credit is sought by selecting the appropriate box.[61]

All winning bidders, including those winning bidders that apply for a tribal lands bidding credit, must pay the full amount of the Final Balance Due shown in Attachment B by the 6:00 p.m. ET **March 28. 2014** deadline (or no later than 6:00 p.m. ET on **April 11. 2014**, along with the five percent late fee required by Section 1.2109(a) of the Commission's rules).[62] If an applicant's request for a tribal lands bidding credit is approved, the Commission will contact the applicant to discuss how the tribal lands bidding credit will be applied.

For a list of the tribal lands in each geographic area, go to the Auction Website at **http://wireless.fcc.gov/auctions** and click on "Tribal Lands Credits," then click on "Cross References." Additional information regarding tribal lands bidding credits is available at the above-referenced website. For additional information on the tribal lands bidding credit, applicants should review the Commission's rulemaking proceeding regarding tribal lands bidding credits and related public notices.[63]

An applicant that indicates that it intends to serve a qualifying tribal land in any market(s) listed on its application will have an additional 180 days after the FCC Form 601 deadline within which to secure the necessary certifications from tribal authorities.[64] Within this 180-day period, the applicant must amend its

[60] *See* 2000 Biennial Regulatory Review Spectrum Aggregation Limits For Commercial Mobile Radio Services, *Report and Order*, 16 FCC Rcd 22,668, 22,693-97 ¶¶ 47-58 (2001).

[61] *See* 47 C.F.R. §§ 1.2107(e), 1.2110(f)(3).

[62] 47 C.F.R. § 1.2109(a).

[63] Extending Wireless Telecommunications Services to Tribal Lands, *Third Report and Order*, 19 FCC Rcd 17652 (2004) ("*Tribal Lands Third Report and Order*"). *See also Tribal Lands Second Report and Order*; Extending Wireless Telecommunications Services to Tribal Lands, *Report and Order and Further Notice of Proposed Rule Making*, 15 FCC Rcd 11794 (2000); "Wireless Telecommunications Bureau Announces Enhancements to the Universal Licensing System to Help Winning Bidders of FCC Auctions File for Tribal Land Bidding Credits," *Public Notice*, 16 FCC Rcd 5355 (2001); "Wireless Telecommunications Bureau Releases Additional Information Regarding the Procedures for Obtaining a Tribal Lands Bidding Credit and List of Tribal Lands," *Public Notice*, 15 FCC Rcd 24838 (2000) ("*Tribal Lands Public Notice*"); "Wireless Telecommunications Bureau Announces Availability of Bidding Credits for Providing Wireless Services to Qualifying Tribal Lands: Tribal Land Bidding Credits to be Available Beginning in Auction No. 36 (800 MHz Specialized Mobile Radio (SMR) Lower 80 Channels) and in Future Auctions," *Public Notice*, 15 FCC Rcd 18351 (2000).

[64] *See* 47 C.F.R. § 1.2110(f)(3)(ii).

FCC Form 601 to (1) select the tribal lands to be served, (2) provide the requisite tribal government certifications, and (3) certify that it will, among other things, comply with the construction requirements set forth in section 1.2110(f)(3)(vii) of the Commission's rules.[65] An applicant may provide the certifications when initially filing the FCC Form 601, or may provide them after the filing window by re-entering ULS and updating its FCC Form 601 to provide the certifications. (See "Updating the Tribal Lands Information through Electronic Filing" below.)

Important: Each applicant is reminded that it should file one FCC Form 601 for those markets in which it seeks a tribal lands bidding credit, and another, separate FCC Form 601 for those markets where it does not seek such credits.

Any applicant that intends to apply for a tribal lands bidding credit in one or more markets must do so by the filing deadline for the FCC Form 601 (i.e., by **March 14. 2014**). An applicant will not be permitted to amend its application after the filing deadline to indicate that it intends to seek a tribal lands bidding credit for any market. However, it is possible for an applicant to update an application to indicate that it no longer intends to seek a tribal lands bidding credit in a particular market. Any applicant that elected to seek a tribal lands bidding credit when it initially submitted its FCC Form 601, but then subsequently decides not to seek the credit, should update its application to delete the request for the tribal lands bidding credit.

Updating the Tribal Lands Information through Electronic Filing

To update an FCC Form 601 during the filing window (i.e., before it has been submitted to the FCC), see "Updating an FCC Form 601" in Section II above. To update an FCC Form 601 application for tribal lands certification after it has been officially received by the Commission (i.e., within the 180-day period after the FCC Form 601 deadline),[66] the applicant must re-enter ULS and follow these steps:

1. Access ULS through the Internet at **http://wireless.fcc.gov/uls**. Select the **Online Filing** button from this page.

2. At the "Log In" page, enter the applicant's FRN and password. Click **Submit**.

3. Choose the "My Applications" link from the left side of the page. Then choose the "Pending Applications" link.

4. Click on the file number of the application to view the "Application At a Glance" page. Click the "Update" link from the "Work on This Application" menu on the right side of the page to access FCC Form 601.

5. Proceed through the application pages using the **Continue** button at the bottom of each page until you reach the "Tribal Lands Secured Certifications" page. Answer "Yes" to the question on this page and provide an attachment using the "Attachments" link at the top of the page. For each market where a tribal lands bidding credit is being sought, the applicant must attach a signed, tribal government certification from each of the federally-recognized tribal governments and an applicant certification. See "**Exhibit Y: Tribal Government Certification**" and "**Exhibit Z: Tribal Lands Bidding Credit Applicant Certification**." Click **Continue**.

[65] *Id*. *See also* 47 C.F.R. § 1.2110(f)(3)(vii).

[66] *See* 47 C.F.R. § 1.2110(f)(3)(ii).

6. For each market contained in the application where the applicant indicated an intent to serve tribal lands, a "Select Tribal Lands" page will be presented providing the names of the federally-recognized tribal lands within the market and the square kilometers of the tribal land within the market. To add a new federally-recognized tribal land to this market, select **Add.** Select the checkbox for each tribal land you want to include in your request and for which you have the tribal government certifications, and then click **Calculate** to see the credit amount you may be granted.

7. The "Tribal Lands Bidding Credit Summary" page will display the calculated credit and any additional credit requested for each channel block. Click **Continue.**

8. If requesting a tribal lands bidding credit in more than one market, repeat steps 6 and 7 above for each market.

9. Proceed through the remainder of the application pages using the **Continue** button at the bottom of each page to the **Certification** page. Certify your application and select **Submit Application**. After the application has been submitted, a Confirmation page displays the file number. Applicants should print a copy of the Confirmation page for their records by choosing the "Print" option from the "File" menu of the Web browser. Applicants can also print a copy of their complete application by selecting the "Reference Copy" link. Use the **Log Out** link at the top left of the page to exit ULS online filing.

ULS will calculate the bidding credit amount for each market automatically, according to the size (in square kilometers) of the tribal territory within the market, and in compliance with the bidding credit limit.[67]

If the applicant is seeking a bidding credit in excess of the amount calculated pursuant to section 1.2110(f)(3), the applicant must submit a waiver request, pursuant to section 1.925 of the Commission's Rules.[68] See "**Exhibit X: Tribal Lands Bidding Credit Waiver Requests**." Each waiver request will be evaluated on a case-by-case basis.

EXHIBIT X: TRIBAL LANDS BIDDING CREDIT WAIVER REQUESTS

Request for Additional Tribal Lands Bidding Credit. If the applicant is seeking a tribal lands credit in excess of the amount calculated according to section 1.2110(f)(3),[69] the applicant must submit a waiver request, pursuant to section 1.925 of the Commission's rules.[70] These waiver requests are subject to the percentage cap on tribal lands bidding credits, and waivers will not be granted in excess of the applicable cap. This waiver request must demonstrate that the infrastructure costs exceed the amount of the standard bidding credit as calculated by ULS. The applicant will need to supply a detailed showing of the projected infrastructure costs, including a certification by an independent auditor that the estimated costs are reasonable. Each tribal land waiver request should be attached separately by selecting Attachment Type "Tribal Lands Waiver Requests" and entering "**Exhibit X: Tribal Lands Bidding Credit Waiver Requests**" in the "Description" field on the "Attachments" page. In addition, the "Description" field

[67] *See* 47 C.F.R. §§ 1.2110(f)(3)(iii), (iv).

[68] 47 C.F.R. § 1.925.

[69] 47 C.F.R. § 1.2110(f)(3).

[70] 47 C.F.R. §§ 1.925.

should indicate the market and tribal lands to which the waiver request pertains (e.g., Exhibit X: Tribal Lands Waiver Requests ("CZ-MEA040-AD Phoenix, Navajo Reservation")).

EXHIBIT Y: TRIBAL GOVERNMENT CERTIFICATION

Within the 180-day period following the FCC Form 601 filing deadline, an applicant seeking a tribal lands bidding credit must amend its FCC Form 601 to select the tribal lands it intends to serve and to provide the required tribal government certifications for each tribal land selected.[71] The tribal government certifications **must be signed** by an officer, allotment owner(s), or corporate officer of the tribal land, Indian allotment, or Alaska Native land, respectively, and uploaded as an Adobe PDF file. Each tribal government certification should be attached separately by selecting Attachment Type "Tribal Government Certification" and entering "**Exhibit Y: Tribal Government Certification**" in the "Description" field on the "Attachments" page. In addition, the "Description" field should indicate the market and tribal lands to which the certification pertains (e.g., "Exhibit Y: Tribal Government Certification ("CZ-MEA040-AD Phoenix, Navajo Reservation")).

A tribal government certification must state that:

1. The tribal area to be served by the winning bidder is a qualifying tribal land because it is a federally-recognized Indian tribe's reservation, Pueblo, Colony, Alaska Native region, or Indian allotment, and has a wireline telephone penetration rate at or below eighty-five (85) percent according to the most recent U.S. Census;[72]

2. The tribal government has not and will not enter into an exclusive contract with the applicant precluding entry by other carriers, and will not unreasonably discriminate among wireless carriers seeking to provide service on the qualifying tribal land; and

3. The tribal government will permit the applicant to site facilities and provide service on its tribal land.

See 47 C.F.R. § 1.2110(f)(3)(ii)(A)(1)-(3).

EXHIBIT Z: TRIBAL LANDS BIDDING CREDIT APPLICANT CERTIFICATION

An applicant seeking a tribal lands bidding credit must attach a certification stating that it will comply with the build out requirements set forth in section 1.2110(f)(3)(vi) of the Commission's rules and that it will consult with the tribal government regarding the citing of facilities and deployment of service on the tribal land.[73]

V. FCC FORM 602 – OWNERSHIP DISCLOSURE INFORMATION

Each applicant must have a current FCC Form 602 on file with the Commission by the **March 14. 2014**, deadline for filing the FCC Form 601.[74] If an applicant has a complete and accurate FCC Form 602 on

[71] *See* 47 C.F.R. § 1.2110(f)(3)(ii)(A).

[72] *Tribal Lands Third Report and Order*, 19 FCC Rcd 17652 (2004). *See also* 47 C.F.R. § 1.2110(f)(3)(i).

[73] *See* 47 C.F.R. § 1.2110(f)(3)(ii)(B) and (vi).

[74] *See* 47 C.F.R. §§ 1.919, 1.2107(f).

file in ULS, it is not necessary for the applicant to file a new FCC Form 602. However, each applicant is responsible for ensuring that the information on its FCC Form 602 on file with the Commission is complete and accurate. If the applicant does not have an FCC Form 602 on file or it is not current, the applicant must file a new or updated FCC Form 602. If an FCC Form 602 needs to be filed, ULS can pre-fill the FCC Form 602 with the applicable ownership information from the applicant's short form application (FCC Form 175). The applicant should confirm that the Ownership Disclosure information that is copied into the FCC Form 602 is complete and accurate.[75] Applicants are reminded that any updates to FCC Form 602 must be filed electronically.[76]

Step-by-Step Instructions for Filing FCC Form 602

1. Access the ULS homepage, http://wireless.fcc.gov/uls, and click the **Log In** button in the Online Filing section.

2. On the next page, enter the FRN and password of the filer and select **Continue.** The "ULS Online Systems" page will appear. **Note:** If the Applicant listed on FCC Form 601 is listed as the filer on the Ownership filing, provide the same FRN as provided on FCC Form 601.

3. Click the "My Ownership Disclosure Information" link in the left-hand Task menu.

4. On the "My Ownership Disclosure Filing" page, you will see the Ownership Disclosure Filing created with the submission of the FCC Form 175 marked with a red dot. Select the Filer Name link to update any of the ownership information and file the FCC Form 602.

5. On the "Ownership Disclosure Filing" page that appears, select the "Update Filing" link in the "Work on this Filing" menu. The FCC Form 602 will pre-fill with the applicable ownership information from the FCC Form 175 filing.

6. The Work on this Filing menu will display several update options. This is your toolbox for performing action on your ownership filing. Use the links as needed, to:

   - View and Edit Filer Information
   - Add a Disclosable Interest Holder of the Filer (corresponds to questions 1-9 on Schedule A)
   - Add an FCC Regulated Business of the Filer (corresponds to question 5 on the Main Form)
   - Add an FCC Regulated Business of a Disclosable Interest Holder (corresponds to question 10 on Schedule A)
   - Change the Filing Type
   - Certify the Filing
   - Change Cellular Cross Interest

7. Update necessary information, following the onscreen instructions and prompts. To complete your changes, select the **Certify Filing** button, which appears at the bottom of the appropriate

[75] *See* 47 C.F.R. §§ 1.919, 1.2112.

[76] Beginning December 10, 2002, electronic filing of FCC Form 602 via ULS became mandatory. *See* Wireless Telecommunications Bureau Reminds Filers of Effective Date for Mandatory Electronic Filing of FCC Form 602, *Public Notice*, 17 FCC Rcd 22934 (2002). For more information on FCC Form 602, *see* Wireless Telecommunications Bureau Announces Revised Version of FCC Form 602 is Now Available, *Public Notice*, 17 FCC Rcd 16197 (2002); Wireless Telecommunications Bureau Answers Frequently Asked Questions Concerning Reporting of Ownership Information on FCC Form 602, *Public Notice*, 14 FCC Rcd 8261 (1999).

"Ownership Filing" pages. When the FCC Form 602 filing is submitted successfully, a Confirmation page will display the filer's FRN, the date of submission, and a file number for this filing. Any future reference to this filing must be made using this file number.

ULS Ownership Filing displays this Confirmation page for your records. We strongly recommend you print a copy of this page. You may print the Confirmation page by choosing the Print option from the File menu of your Web browser. You may also choose to print a copy of the complete FCC Form 602 by selecting the "Reference Copy" link.

Note: For additional instructions regarding electronic filing of FCC Form 602 ownership information, use the **Help** button, located on the top right of any page within Ownership Filing.

COMMISSION NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0798.

THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, P.L. 104-13, OCTOBER 1, 1995, 44 U.S.C. 3507.