

FCC FORM 175 FILING INSTRUCTIONS  
FOR AUCTION 108

**I. APPLICATION PREPARATION AND SUBMISSION**

1. An applicant must have an FCC Registration Number (FRN) and password in order to log in to the Commission's Auction Application System and complete an FCC Form 175 (also referred to as a short-form application) to participate in Auction 108. You must be prepared to provide, among other things, basic information about the applicant's legal classification, contact information, and authorized bidders; indicate whether the applicant is seeking a designated entity bidding credit; select one or more license areas on which the applicant wishes to bid; disclose information about the applicant's ownership structure; and make certain certifications. Additional information about the short-form application requirements can be found in the *Auction 108 Procedures Public Notice*.<sup>1</sup>

2. Each applicant seeking to participate in Auction 108 must submit an FCC Form 175 electronically, via the Auction Application System. **Applications must be submitted and confirmed prior to 6:00 p.m. ET on May 10, 2022.**<sup>2</sup> Late applications or unconfirmed submissions will not be accepted. Applicants are strongly encouraged to file early and are responsible for allowing adequate time for submitting their applications.

3. You may make any changes to an application as necessary from the time the initial application filing window opens at 12:00 p.m. ET on April 27, 2022, until the close of the initial filing window at 6:00 pm ET on May 10, 2022. Information in an application will not be considered by the Commission unless you click on the **CERTIFY & SUBMIT** button on the *Certify & Submit* screen in the Auction Application System after providing or updating the information required in FCC Form 175.<sup>3</sup>

**II. MINIMUM SOFTWARE REQUIREMENTS**

4. You must complete and submit an application via the Internet using a personal computer or equivalent device. **Currently, devices that use Apple® Mac OS® are not supported. Smart phones and tablets are also not currently supported.** A web browser must be used to access the Auction Application System. The following web browsers are compatible with the Auction Application System:

- Mozilla® Firefox®;
- Google Chrome® 46.0.2490.80 or higher<sup>4</sup>

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<sup>1</sup> See *Auction of Flexible-Use Licenses in the 2.5 GHz Band for Next-Generation Wireless Services; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 108; Bidding Scheduled to Begin July 29, 2022*, AU Docket No. 20-429, Public Notice, FCC 22-24 (2022) (*Auction 108 Procedures Public Notice*).

<sup>2</sup> As discussed below, 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.

<sup>3</sup> To reduce technical complications, do not click buttons in the application, including the **Certify & Submit** button, more than once while navigating through the FCC Form 175. Applicants are also cautioned that the Commission periodically performs scheduled maintenance of our IT systems. During scheduled maintenance activities, which typically occur over the weekends, every effort is made to minimize any downtime to the auction systems. However, there are occasions when auction-related systems may be temporarily unavailable.

<sup>4</sup> In the past we have recommended using Mozilla® Firefox® or Google Chrome® but also supported Microsoft® Internet Explorer 9.0 or higher (with compatibility mode turned off). Please note that after January 31, 2020, Microsoft will no longer support any version of Internet Explorer prior to version 11. Microsoft recommends using the Microsoft Edge browser instead. At this time, the Commission has not fully tested the Auction Application System with Edge and therefore does not yet support it.

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5. A PDF viewer is also required. Adobe Acrobat Reader 5.0 or higher is recommended (available at no cost at [www.adobe.com](http://www.adobe.com)).

6. The minimum screen resolution for the Auction Application System is 1024 x 768.

### III. LOGGING IN

7. You must use the applicant's FCC Registration Number (FRN) and associated password<sup>5</sup> to log into the FCC's Auction Application System.<sup>6</sup> To submit an FCC Form 175, open a web browser and navigate to [auctions.fcc.gov](http://auctions.fcc.gov) (primary location) or [auctions2.fcc.gov](http://auctions2.fcc.gov) (secondary location).

8. On the *Auction Application System* screen, enter the applicant's FRN and associated password and click the **LOG IN** button, which will take you to the *My Auctions Page* screen.<sup>7</sup> The applicant name and FRN used in the FCC Form 175 must precisely match the name listed in CORES (FCC Registration System) for that FRN.<sup>8</sup> On the *My Auctions Page* screen, you may create a new or modify an existing short-form application for Auction 108 by clicking on the **Click here for FCC Form 175** link, which is under the "Wireless/Broadcast" heading. This will take you to the *Auction Application Manager* screen. Select the **Auction 108** link to begin, review, modify, or withdraw an application for Auction 108. Please allow up to several minutes for your application to load when you create a new application or access for review and modification a draft application you have already created, particularly if the applicant has many ownership entries. To avoid technical complications, **do not** click the link more than once while waiting for the application to load.

9. Applicants will not be able to access the bidding system for Auction 108 from the *My Auctions Page* screen. Additional information about how to participate in the mock auction and auction will be available to qualified bidders after release of the *Qualified Bidders Public Notice* for Auction 108. Only those applicants that are identified as qualified bidders in Auction 108 will be eligible to participate in the auction.

### IV. SECTIONS OF THE FCC FORM 175

10. The FCC Form 175 requests information needed to determine whether an applicant qualifies to participate in competitive bidding for Commission licenses or construction permits.<sup>9</sup> An

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<sup>5</sup> The FRN password may be either directly associated with the FRN in CORES or associated with the username that is linked to the FRN in CORES.

<sup>6</sup> If the individual or entity that is to be the Auction 108 applicant does not already have an FRN, you must use an FCC Username Account to obtain an FRN for the potential applicant before starting the FCC Form 175. You can create an FCC Username Account, or login to an existing account, through the Commission Registration System (CORES), which can be accessed on the Commission's website at <https://apps.fcc.gov/core>. Once you have created an FCC Username Account, or logged into an existing account, you can obtain, and manage, an FRN for the potential applicant by selecting **Register New FRN**. If you are not sure whether the entity or individual that will serve as the applicant on your FCC Form 175 has an FRN, you can search the CORES public FRN database using the proposed applicant's name or tax identification number to determine if it has been assigned an FRN. Some applicants in previous auctions have made the mistake of creating an FCC Form 175 using an FRN previously assigned to a related party, such as a parent company or a affiliate. Processing of the FCC Form 175 may be delayed if an FRN previously assigned to an individual or entity other than the applicant is used to create the FCC Form 175.

<sup>7</sup> An entity may prefer to choose the FRN associated with its most recent FCC Form 175 or FCC Form 602 already on file with the Commission when first logging in, since the most current ownership information from either of those applications will automatically be pre-filled into certain ownership sections on the applicant's FCC Form 175. See Section IV.D.1, below. Also, the FRN password may be either directly associated with the FRN in CORES or associated with the username that is linked to the FRN in CORES.

<sup>8</sup> If the applicant name on the FCC Form 175 is not identical to the name that appears in CORES for that FRN, processing of the FCC Form 175 may be delayed.

<sup>9</sup> See generally 47 CFR §§ 1.2105, 1.2112.

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applicant must submit required information as entries in the data fields of FCC Form 175 whenever a data field is available for that information. An attachment should not be used to provide information that can be supplied within the data fields of FCC Form 175.

11. You must provide information or responses to questions on a series of screens concerning the following: (1) Applicant Information, (2) License Area Selection, (3) Agreements, (4) Ownership, (5) Summary, and (6) Certify & Submit. Below is a summary of the different screens and the information that must be submitted on each. The sections following this summary provide more detailed instructions on how to fill out and provide the information required on each screen.

- *Applicant Information* screens:
  - Provide information about the applicant, including its legal classification, contact information, responsible party (if applicable), authorized bidders, and whether the applicant is claiming eligibility for certain types of bidding credits
- *License Area Selection* screens:
  - Select the license area(s) on which the applicant may wish to bid
- *Agreements* screens:
  - Identify and provide information about each agreement that is required to be disclosed under the Commission's rules
- *Ownership* screens:
  - Provide information regarding parties that have an ownership or controlling interest in the applicant
- *Summary* screen:
  - Review the results of the system's automated check for certain inconsistencies and omissions in the application
- *Certify & Submit* screens:
  - Review and make the required certifications
  - Submit the application

12. *Navigation*. You may access any of these screens via the navigation pane on the right side of the screen titled, "Application Sections."<sup>10</sup> To expand a group of screens, click on the triangle to the right of the section title. When you click on the relevant section, you will be redirected to that section of the application. When a cursor passes over a clickable item, the cursor will turn into a hand icon.

13. An applicant is required to complete certain sections of the form that will display automatically depending on the information it provided in earlier portions of the form. For example, a corporate applicant, unlike an individual applicant, must identify a corporate officer or director responsible for the application (called a responsible party). If the applicant is 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 is a corporation, subsequent screens in FCC Form 175 will ask for responsible party information.

14. *Help and Common Questions*. Help in filling out FCC Form 175 is available in two ways through the Auction Application System: (1) by clicking on the **Help** link located in each section of the application and in the upper right corner of each screen, which will open Auction Application Online

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<sup>10</sup> To reduce the risk of technical complications, you are encouraged to click buttons on the individual application pages/screens and in the navigation windowpane only once while navigating through the form.

Filing Help; or (2) by clicking on the text of any **Common Questions** link appearing on the right side of the screen. The common questions may differ from screen to screen because the common questions are linked to the information that must be supplied on that application screen. If you need further information or guidance beyond what is provided by these sources, use the contact information provided in Section VII of these instructions. You may also access an online application procedures tutorial for Auction 108 covering information on pre-auction preparation, completing short-form applications, and the application review process, which will be made available in the Education section of the Auction 108 website at [www.fcc.gov/auction/108](http://www.fcc.gov/auction/108). This tutorial will help familiarize potential applicants with accessing and navigating the Auction Application System and completing FCC Form 175.

**A. Applicant Information**

15. On the *Applicant Information* screens, you must provide the information listed below.<sup>11</sup> Following this list, more guidance is provided on how to fill out some of these items.

- the applicant’s legal classification (e.g., individual, corporation, general partnership, etc.)
- whether the applicant, or any member of the applicant, is a qualifying rural wireless partnership, and if so, the types and names of the members of the qualifying rural wireless partnership
- 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 bidding<sup>12</sup>
- citizenship for individuals or jurisdiction of formation for legal entities
- the applicant’s address (physical location; a P.O. Box is not permitted)
- for applicants classified as legal entities (e.g., corporations and partnerships), the name, title, and contact information of the applicant’s responsible individual<sup>13</sup>
- the name, address, telephone and fax numbers, and email address of a contact person who will communicate with the Commission regarding the applicant’s FCC Form 175<sup>14</sup>
- the names, telephone numbers, and FCC Username Account email addresses of up to three persons authorized to bid for the applicant in the auction, with each authorized bidder required to have a unique email address associated with an FCC Username Account that is linked to the applicant’s FRN in CORES<sup>15</sup>
- whether the applicant claims eligibility for certain types of bidding credits and the percentage claimed

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<sup>11</sup> See 47 CFR § 1.2105(a).

<sup>12</sup> If the applicant name on the FCC Form 175 is not identical to the name that appears in CORES for that FRN, processing of the FCC Form 175 may be delayed.

<sup>13</sup> Section 1.2105(a)(2) requires that the name and title of an officer or director be reported if the applicant is a corporation. If the applicant is a partnership, then the application will require the name, citizenship, and address of all general partners, and if a partner is not a natural person, then the name and title of a responsible person should be included as well. 47 CFR § 1.2105(a)(2).

<sup>14</sup> A fax number may be used for a variety of purposes, including faxing bidding confirmation information and as a backup for communicating with the applicant in the event other means of communication are unavailable. If the contact person does not have a fax number, you may provide the contact person’s telephone number in the fax number field.

<sup>15</sup> For more detailed information about this requirement, see Section IV.A.6 (Authorized Bidders), below.

**1. Applicant Legal Classification**

16. You must indicate the applicant’s legal classification on the *Applicant Legal Classification* screen before continuing to subsequent screens because the selected legal classification will determine which subsequent screens will appear. For example, an applicant registering as an “Individual” will enter information that is different from the information that an applicant registering as a “Corporation” will enter.

17. If you select “Consortium” as the applicant’s legal classification, you must upload an attachment identifying each member of the consortium (and select “Consortium” as the attachment “Type” when uploading this attachment). The procedures for uploading this attachment are described below in Section IV.F. If you select “Other” as the applicant’s legal classification, a text box will open in which you must describe the applicant’s legal classification.<sup>16</sup>

**2. Qualifying Rural Wireless Partnerships**

18. You must indicate on the *Legal Classification* screen whether the applicant, or any member of the applicant (in the case of a joint venture or consortium), is a qualifying rural wireless partnership or a qualifying rural wireless partnership member that claims the exception provided in section 1.2105(a)(3) of the Commission’s rules to the general prohibition on the filing of multiple applications by commonly-controlled entities.<sup>17</sup> If the applicant is a qualifying rural wireless partnership or a member of a qualifying rural wireless partnership, information about each member of the partnership, including the type of member (i.e., entity or individual) and the member’s name, must be provided. To add additional members to the qualifying rural wireless partnership, select the member type, enter the appropriate information, and click the **ADD MEMBER** button.<sup>18</sup> Each entity or individual member of a given partnership must be identified by its legal name.

**3. Applicant Status Information**

19. You may, but are not required to, check boxes on the FCC Form 175 indicating whether the applicant is a minority- or woman-owned business or a rural telephone company. This applicant status information is collected for statistical purposes only and assists the Commission in monitoring the participation of various groups in its auctions.

20. After completing the information requested on the *Applicant Legal Classification* screen, click the **SAVE & CONTINUE** button. Please note that if the applicant later changes its legal classification, some of its previously entered applicant information will be deleted as a result of the change and will need to be reentered.

**4. Applicant Name and Applicant Address**

21. On the *Applicant Name/Applicant Address* screen, the data entry fields will depend on which legal classification you selected on the *Applicant Legal Classification* screen. For instance, if you selected “Individual” on the *Applicant Legal Classification* screen, you will be required to complete the First Name, Last Name, and Citizenship fields. The Middle Initial and Suffix fields are optional. If you selected “Corporation” on the *Applicant Legal Classification* screen, you will be required to complete the Entity Name and Jurisdiction of Formation fields. The name entered will be used as the Bidder Name for

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<sup>16</sup> For any text box in which the applicant can or is required to enter information, you should not use any non-ASCII characters.

<sup>17</sup> See 47 CFR § 1.2105(a)(3).

<sup>18</sup> As suggested above, click the **ADD MEMBER** button only once per additional member to be added to the rural wireless partnership’s application to reduce the potential for technical complications.

the auction process.<sup>19</sup> You must also provide a street address for the applicant. A P.O. Box may not be used. After completing the applicant's name and address information, click the **SAVE & CONTINUE** button.

### **5. Responsible Party and Contact Information**

22. The screen that appears after the *Applicant Name/Applicant Address* screen will depend on which legal classification you selected on the *Applicant Legal Classification* screen. For example, if you selected "Individual" or "General Partnership" on the *Applicant Legal Classification* screen, you will be directed to the *Contact Information/Contact Address* screen, where you will be required to provide contact information for an individual who will be sent all correspondence concerning the application. If you selected any other entity type on the *Applicant Legal Classification* screen, you will first be directed to the *Responsible Party* screen, where you will be required to provide information for an individual deemed to be the responsible party for the application. If you selected "Corporation" on the *Applicant Legal Classification* screen, you will be required to provide the name, title, and email address, but not street address, for the applicant's responsible party. After completing the *Responsible Party* screen, you will be directed to the *Contact Information/Contact Address* screen.

23. To simplify filling out FCC Form 175, an applicant that has the same address as its contact person or responsible party can click on the **COPY APPLICANT ADDRESS** button to automatically fill in the contact person's or responsible party's address.<sup>20</sup> A P.O. Box may not be used for a contact person's or responsible party's address. After entering the contact person's or responsible party's name, address, and other required information, click the **SAVE & CONTINUE** button.

24. Commission staff 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 the applicant's counsel or other representative is authorized to speak on its behalf. Authorizations may be sent by email to [auCTION108@fcc.gov](mailto:auCTION108@fcc.gov).

### **6. Authorized Bidders**

25. You must provide the name, phone number, and email address for each individual authorized to place bids for the applicant in the auction. You must identify at least one authorized bidder for the applicant, and no more than three. Applicants are encouraged to identify more than one authorized bidder to account for unforeseen circumstances that may result in an authorized bidder being unable to participate in the auction.

26. An individual may not serve as an authorized bidder for more than one applicant in the same auction.<sup>21</sup>

27. Each authorized bidder in Auction 108 must have his or her own FCC Username Account and must identify the email address associated with his or her account in the FCC Form 175 application.<sup>22</sup> Each FCC Username Account must also be associated with the applicant's FRN in the Commission Registration System (CORES). If the email address provided on the FCC Form 175 application for an authorized bidder is not the Username for an FCC Username Account that is associated with the applicant's FRN, the authorized bidder will not be able to log in to the FCC Clock Auction Bidding System and will be unable to place or submit bids on behalf of the applicant.

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<sup>19</sup> The applicant name and FRN used in the FCC Form 175 must precisely match the name listed in CORES for that FRN.

<sup>20</sup> The **COPY APPLICANT ADDRESS** button is not available if the applicant's location is outside of the United States.

<sup>21</sup> See 47 CFR § 1.2105(a)(2)(iii).

<sup>22</sup> The email address associated with an FCC Username Account is also the FCC Username for that account.

28. To register a Username Account for an authorized bidder and associate it to the applicant's FRN, please visit CORES at [apps.fcc.gov/cores](https://apps.fcc.gov/cores). To view step-by-step instructions on registering a new Username Account, please visit [apps.fcc.gov/cores/html/Register\\_New\\_Account.htm](https://apps.fcc.gov/cores/html/Register_New_Account.htm). Once your Username Account has been verified, you can then associate it to the applicant's existing FRN by going back to CORES at [apps.fcc.gov/cores](https://apps.fcc.gov/cores) and entering your Username (which is the email address used to register the Username Account) and password at the Username Log In. To view step-by-step instructions on associating your Username Account to the applicant's existing FRN, please visit [apps.fcc.gov/cores/html/Associate\\_Username\\_to\\_FRN.htm](https://apps.fcc.gov/cores/html/Associate_Username_to_FRN.htm).

29. After completing the necessary information for each authorized bidder, you must click the **ADD** button to save the authorized bidder information you have entered.<sup>23</sup> While an applicant may change its authorized bidders at a later date, only those bidders listed on its FCC Form 175 will be authorized to place bids for the applicant during the auction. Each authorized bidder listed on an applicant's FCC Form 175 will receive a designated SecurID® token, which is required to place bids for the applicant during the auction, along with instructions on how to use the token.

30. When all the Applicant Information has been completed, click the **SAVE & CONTINUE** button.

#### 7. Designated Entity Bidding Credit Eligibility

31. A bidding credit represents the amount by which a bidder's overall payment across all of the licenses won will be discounted, subject to certain caps. Designated entity bidding credits are available to eligible small businesses and rural service providers. If an applicant wishes to assert its eligibility for a designated entity bidding credit for the auction, it must do so on the *Designated Entity Bidding Credit Eligibility* screen. This screen is the applicant's sole opportunity to assert its eligibility for a designated entity bidding credit for that auction; the applicant will not be able to change its bidding credit selection after the initial application filing deadline. If you select "No" to the question of whether the applicant is seeking a designated entity bidding credit, click the **SAVE & CONTINUE** button to proceed to the next screen. If you select "Yes" to the question of whether the applicant is seeking a designated entity bidding credit, you will be asked to select which type of bidding credit the applicant is seeking.

32. There are two types of designated entity bidding credits available in Auction 108: small business bidding credits and a rural service provider bidding credit.<sup>24</sup> Bidding credits are not cumulative—an applicant is permitted to claim either a small business bidding credit or a rural service provider bidding credit, but not both. If you change the type of bidding credit the applicant is seeking while completing the application, any applicant revenue or subscriber information that was previously entered on the FCC Form 175 will be deleted. When all of the bidding credit information for the type of credit requested has been entered, click the **SAVE & CONTINUE** button.

##### a. Small Business Bidding Credit

33. To assert eligibility for a 25% very small business bidding credit discount, an applicant must have average annual gross revenues, including attributable interests, for the preceding five years that

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<sup>23</sup> Click the **ADD** button only once when adding an authorized bidder to reduce the risk of technical complications.

<sup>24</sup> There is a cap on the total bidding credit discount that an eligible small business or rural service provider may be awarded in any particular auction. See 47 CFR § 1.2110(f)(2)(ii), (f)(4)(ii); *Auction 108 Procedures Public Notice* at 33-34, para. 94. A \$25 million cap applies to the total bidding credit discount that may be awarded to an eligible small business and a \$10 million cap on the total bidding credit discount that may be awarded to an eligible rural service provider. *Auction 108 Procedures Public Notice* at 33-34, para. 94. Additionally, no winning designated entity bidder will receive more than \$10 million in bidding credit discounts in total for licenses won in counties located within any partial economic area (PEA) with a population of 500,000 or less. *Id.*

do not exceed \$20 million.<sup>25</sup> To assert eligibility for a 15% small business bidding credit discount, an applicant must have average annual gross revenues, including attributable interests, for the preceding five years that exceed \$20 million and do not exceed \$55 million.<sup>26</sup> Gross revenues include all income received by an entity, whether earned or passive, before any deductions are made for the cost of doing business. Small business bidding credit discounts are not cumulative; an eligible applicant will receive either the 15% or the 25% bidding credit discount on its winning bids, but not both.

34. An applicant seeking a small business bidding credit discount will be asked to assert on the *Designated Entity Bidding Credit Eligibility* screen whether it meets the revenue thresholds required to be eligible for a small business bidding credit and must select on its FCC Form 175 the specific revenue threshold that applies to the applicant. An applicant should make this assertion carefully; it may **not** request a higher percentage of a small business bidding credit discount after the initial FCC Form 175 filing deadline.

**b. Rural Service Provider Bidding Credit**

35. An eligible rural service provider may claim a 15% rural service provider bidding credit discount for Auction 108.<sup>27</sup> An applicant seeking a rural service provider bidding credit discount will be asked to indicate on the *Designated Entity Bidding Credit Eligibility* screen that it meets the criteria to qualify for a rural service provider bidding credit. The applicant must also enter on the *Designated Entity Bidding Credit Eligibility* screen the applicant's total number of combined wireless, wireline, broadband, and cable subscribers. An applicant that is applying as a consortium or an existing rural partnership should enter "0" in the "Number of Subscribers" field on FCC Form 175 if it (i.e., the consortium or the partnership) does not itself have any of its own subscribers.

36. If you need to later change the number of subscribers attributable to the applicant as entered on this screen, click on the "Applicant Information" section on the right column of the screen and select "Bidding Eligibility." By clicking on this section, you will be directed to the *Designated Entity Bidding Credit Eligibility* screen where you can make any necessary changes to previously entered subscriber information.

37. You must also indicate on the *Designated Entity Bidding Credit Eligibility* screen whether the applicant, or any member of the applicant (in the case of a consortium), is an existing rural partnership within the meaning of section 1.2110(f)(4)(i)(C)(2) of the Commission's rules whose individual members' subscribers are not required to be aggregated and attributed to the applicant.<sup>28</sup> If you assert the applicant's eligibility for this exception by selecting "Yes" to the question, you must upload an attachment that lists each member of the existing rural partnership and provide a brief description of the applicant's eligibility to claim the exception by virtue of the rural partnership. You must select "Rural Partnership" as the attachment "Type" when uploading this attachment. The procedure for uploading this required attachment is described below in Section IV.F.

**B. License Area Selection**

38. For a short-form application to participate in Auction 108, you will identify in the *License Area Selection* section the license area(s) on which the applicant may wish to bid during the auction. In Auction 108, FCC Form 175 will allow an applicant to filter the license areas on the *Select License Area(s)* screen to make its selection(s), or the applicant may upload a properly formatted text file of license areas to make its selection(s).

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<sup>25</sup> See 47 CFR §27.1219(a)(2), (b).

<sup>26</sup> See *id.* § 27.1219(a)(1), (b).

<sup>27</sup> See *id.* § 27.1219(c).

<sup>28</sup> See *id.* § 1.2110(f)(4)(i)(C)(2).

**1. Select License Area(s)**

39. The *Select License Area(s)* screen provides a list of all available license areas in Auction 108. You can navigate through the license areas by clicking the individual page links or the **Previous** and **Next** links at the bottom of the screen below the list of available license areas. To display license areas matching specific search criteria, you can use the **Search** text box to narrow down the available license areas displayed based on license area name or license area description. In addition, pre-defined filters can be used to narrow down the list of license areas to be selected and saved by selecting the appropriate filter and clicking the **APPLY** button. To clear any filters applied, click the **Clear Filters** link. To display more or fewer license areas, click the **Show Entries** dropdown box displayed above the available license area list and select the number of license areas to show per screen.

40. License area selections can be selected and saved by (1) clicking the check box next to the license area name and then clicking the **SAVE** button; or (2) clicking the **SELECT ALL ITEMS** button, which will select and save all available license areas. Once you have successfully saved a selected license area, the word “Saved” will appear in the status column next to the corresponding license area as an indication that the applicant’s selection has been saved.

41. An applicant cannot submit its FCC Form 175 until it selects and saves at least one license area in its application for Auction 108. While an applicant is not obligated to bid on any particular channel block in any or all the license areas selected, it will not be able to bid in a license area that has not been selected on its FCC Form 175.<sup>29</sup> An applicant’s license area selections cannot be changed after the initial filing window has closed. Therefore, during the initial filing window, it is important to carefully review the license area selections to make sure all license areas on which the applicant may wish to bid have been selected.

42. Saved license areas can be removed by (1) clicking the check box (to uncheck) next to a previously saved license area and then clicking the **SAVE** button; or (2) clicking the **UNSELECT ALL ITEMS** button, which will remove all previously saved license areas. A removed license area will no longer have the word “Saved” next to the corresponding license area name.

43. You may view all saved license areas by selecting the individual page links or the **Previous** and **Next** links at the bottom of the screen below the list of available license areas. Once you have saved the license areas you have selected, click the **SAVE & CONTINUE** button.

**2. Uploading License Area Sections via File Upload**

44. You may make your license area selections by uploading a properly formatted text file with the .csv file type extension.

File Requirements:

- CSV file, first row contains the header. The first column must include the word “county” (without quotation marks) as the header, and each successive line should contain a single county identifier for each county you wish to select. If the word “county” (without quotation marks) is not the first header, the upload file will not be accepted, and the system will display an error message.
- As discussed below, you must verify that all license areas on which you may wish to bid in Auction 108 are selected and have been successfully uploaded into your application in the FCC’s auction application system.
- The county identifiers are listed in the Attachment A file that was released concurrently with the *Auction 108 Procedures Public Notice* (available on the Auction 108 website at [www.fcc.gov/auction/108](http://www.fcc.gov/auction/108) and in the sample license area selection file described below.

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<sup>29</sup> See *id.* § 1.2105(a)(2)(i).

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- Any additional columns will be ignored by the system, and staff will not review or consider any such additional information.

For example, a file for selecting Calhoun County, Cherokee County, and Chilton County, Alabama would include the following:

county  
AL-015  
AL-019  
AL-021

### a. Downloading Sample License Area Selection File

45. You may download a sample license area selection file, which includes entries for all of the county-based license areas offered in Auction 108 by going to the Education section of the Auction 108 website at [www.fcc.gov/auction/108](http://www.fcc.gov/auction/108). For ease of use, the sample file contains not only the required county column, but also a county name column (which will be ignored during upload).

46. When you click on the link for the sample license area selection file, make sure you save the file with the .csv file type extension in a known directory. If you want to edit the sample file to create your own license area selection file, you will want to remove the undesired license areas from the file. The file you upload must include a header row and should contain only your desired license area selections.

### b. Uploading a License Area Selection File

47. You can upload a license area selection file prior to the FCC Form 175 filing deadline via the *License Area Selection* screen by clicking the **BROWSE** button in the middle of the screen. After selecting the correct file attachment, click the **UPLOAD FILE** button. You may experience a short delay as the system processes the uploaded file. The uploaded file may be no larger than 10 MB and must not be password protected.

48. Please note that uploading a file will overwrite any previously selected license areas.

49. Once the file is uploaded, any license areas that were indicated in the uploaded file will be marked “saved” on the Select License Areas screen. You must verify that all license areas on which you may wish to bid in Auction 108 are selected. You may add or subtract license areas on screen by checking the box in the far-left column.

50. After you have verified that your license area selections are accurate, click the **SAVE & CONTINUE** button.

### 3. View Selected License Area(s)

51. After the license areas have been selected and saved, you will be directed to the *View Selected License Areas* screen. This screen lists all the license areas that have been selected and saved for the auction. You may narrow down the list of license areas to be viewed using pre-defined filters by selecting the appropriate filter and clicking the **APPLY** button. To clear any filters applied, click the **Clear Filters** link. You may print the list of selected license areas by clicking the **PRINT** button or view the list in .pdf format by clicking the **PDF** button. After the applicant has confirmed the accuracy of the information on the *View Selected License Areas* screen, click the **CONTINUE** button. **An applicant’s license area selection(s) may not be changed after the FCC Form 175 filing deadline.**

### C. Agreements

52. On the *Agreements* screens, you must provide information regarding the applicant's auction-related agreements subject to disclosure under the Commission's rules.<sup>30</sup> Specifically, on the *Agreements with Other Parties and Joint Bidding Arrangements* screen, you must indicate, by responding "Yes" or "No," whether the applicant has entered into any partnerships, joint ventures, consortia or other agreements, arrangements or understandings of any kind relating to the licenses being auctioned, including any agreements that address or communicate directly or indirectly bids (including specific prices), bidding strategies (including the specific licenses on which to bid or not to bid), or the post-auction market structure, to which the applicant, or any party that controls or is controlled by the applicant, is a party.<sup>31</sup> If you select "No" and then click **SAVE & CONTINUE**, you will be directed to the *Ownership* series of screens, described below in Section IV.D. If you select "Yes" and then click **SAVE & CONTINUE**, you will be directed to the *View/Edit Agreements* screen.

53. On the *View/Edit Agreements* screen, you must make an entry for each agreement you need to disclose by clicking the **CREATE NEW AGREEMENT** button. On the *Create New Agreement* screen, you must provide an identifying name and the agreement type. The agreement identifier can be a brief description of the agreement or a simple reference name; however, each agreement identifier must be unique. If the agreement type is not listed as an option under the dropdown menu, select "Other" and enter a description in the text box that subsequently appears. **Neither the name of the agreement nor its description should indicate or suggest an applicant's license or license area selection(s), as applicable, or potentially reveal an applicant's bidding strategy.** You must also identify the parties, other than the applicant, to each agreement disclosed on the application and indicate the type of party (i.e., entity or individual). You may provide an FRN for the other party to the agreement, if available. While providing the FRN is optional, including that information may prevent identification errors resulting from parties having similar names or a single party using multiple names. After completing the required information for each party, you must click the **ADD PARTY** button to save the information.

54. Additional parties can be added by selecting the type of party, entering the applicable information, and clicking the **ADD PARTY** button. The **Clear** link can be used to cancel a party type selection clicked in error. After adding a particular party, the name of that party and its associated FRN can be edited by clicking the **EDIT** button, or be deleted from the form by clicking the **REMOVE** button. After identifying all parties to any particular agreement(s), click the **SAVE & CONTINUE** button.

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

- Click the **EDIT** button to modify agreement information;
- Click the **DELETE AGREEMENT** button to delete an agreement and associated parties;
- Click the **CREATE NEW AGREEMENT** button to add a new agreement; and
- Click the **Agreements** link in the "Application Sections" box to return to the initial *Agreements with Other Parties and Joint Bidding Arrangements* screen, which asks whether the applicant has entered into any agreements that must be disclosed.

56. An applicant that has entered into any agreement(s) that are subject to disclosure under the Commission's rules must also upload an attachment that briefly describes each such agreement. You

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<sup>30</sup> 47 CFR § 1.2105(a)(2)(viii).

<sup>31</sup> *See id.* The Commission's rules generally prohibit joint bidding and other arrangements between auction applicants (including any party that controls or is controlled by such applicants) and between an applicant and a nationwide provider that is not an applicant (or any party that controls or is controlled by such a nationwide provider), or, if the applicant is a nationwide provider, with any non-nationwide provider that is not an applicant (or with any party that controls or is controlled by such a non-nationwide provider). *See id.* § 1.2105(a)(2)(ix).

must select “Agreement” as the attachment “Type” when uploading the document. The procedure for uploading this required attachment is described below in Section IV.F.

57. When the applicant has confirmed the accuracy of all agreements and the parties to each agreement that it has disclosed, click the **CONTINUE** button.

#### **D. Ownership**

58. On the *Ownership* screens, you can provide information regarding parties that have an ownership or other interest in the applicant, which must be disclosed under the Commission’s rules. Every applicant must fully disclose information regarding the real party- or parties-in-interest in the applicant or application, including a complete disclosure of the identity and relationship of those persons or entities directly or indirectly owning or controlling (or both) the applicant. Sections 1.2105 and 1.2112 of the Commission’s rules list the disclosable interest holders (DIHs) in the applicant that must be reported in FCC Form 175.<sup>32</sup> These DIHs in the applicant include any individual or entity that directly or indirectly owns and/or controls the applicant, such as:

- any party holding 10% or more of stock in the applicant, whether voting or non-voting, common or preferred, including the specific amount of the interest or percentage held;
- in the case of a limited partnership, each limited partner whose interest in the applicant is 10% or greater;
- in the case of a general partnership, each partner and its share in the partnership;
- in the case of a limited liability company, each member whose interest in the applicant is 10% or greater; and
- all parties holding indirect ownership interests in the applicant that equal 10% or more of the applicant, as discussed below.

The Commission’s rules require that holders of both direct and indirect interests must be reported, which may include insulated interest holders and holders of non-voting stock/equity in the applicant.

59. Section 1.2112(a)(7) lists the FCC-regulated business entities or applicants for an FCC license (FRBs) that must be disclosed in FCC Form 175.<sup>33</sup>

60. As more fully discussed below, pursuant to section 1.2110 of the Commission’s rules, an applicant requesting a bidding credit must also (1) disclose information on any DIH that has an agreement with the applicant to use more than 25% of the spectrum capacity of any license that may be won in the auction;<sup>34</sup> (2) disclose its affiliates;<sup>35</sup> and (3) report revenues or subscribers (as applicable based on the type of credit requested) for itself, its affiliates, its controlling interests, and the affiliates of its controlling interests.<sup>36</sup>

#### **1. Information Already on File with the Commission**

61. Some applicants may have previously filed an FCC Form 602 ownership report or filed an application for a previous auction in which ownership information was disclosed. To simplify filling out FCC Form 175, the most current ownership information from an FCC Form 602 or previous auction application with the same FRN the applicant is using to submit its FCC Form 175 in this auction will

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<sup>32</sup> 47 CFR §§ 1.2105(a)(2)(ii)(A)-(B), 1.2112; *see also id.* § 1.2110.

<sup>33</sup> *Id.* § 1.2112(a)(7).

<sup>34</sup> *See id.* § 1.2110(c)(2)(ii)(J).

<sup>35</sup> *See id.* §§ 1.2110, 1.2112(b).

<sup>36</sup> *See id.* §§ 1.2110(b), (f)(4), 1.2112(b).

automatically be pre-filled into certain ownership sections on the applicant's FCC Form 175, if such information is in an electronic format compatible with FCC Form 175. Any attachments associated with an applicant's previously filed FCC Form 602 or auction application, such as an attachment describing indirect ownership information, will also be imported into the applicant's FCC Form 175 as an attachment. Applicants are encouraged to submit an FCC Form 602 ownership report or update any ownership information on file with the Commission in an FCC Form 602 ownership report prior to starting an application for Auction 108 to ensure that their most recent ownership information is pre-filled into their short-form application.

62. Each applicant is responsible for ensuring that the information submitted in its FCC Form 175 is complete and accurate. You must carefully review any information that may have been automatically pre-filled into an application to confirm that all information is complete and accurate as of the deadline for submitting applications for Auction 108. Any previously filed ownership information that is imported into an applicant's FCC Form 175 must be corrected directly in the FCC Form 175 fields. The Auction Application System will not, however, permit you to edit any ownership attachment(s) that have been imported into the applicant's FCC Form 175; therefore, if you find inaccuracies in any imported attachment, delete the imported attachment and upload a new attachment that contains the applicant's current/updated ownership information. After the deadline for filing FCC Form 175, the ownership information provided in an applicant's submitted FCC Form 175 (including any attachments) will be considered to be the applicant's most current information on file with the Commission for Auction 108.

## 2. View/Edit Ownership Disclosure Information

63. The *View/Edit Ownership Disclosure Information* screen summarizes any ownership information entered in FCC Form 175, either automatically from information on file with the Commission (e.g., from a previously filed FCC Form 602 or auction application) or directly by the applicant. If the applicant is seeking a bidding credit, the *View/Edit Ownership Disclosure Information* screen will also display any revenue or subscriber information entered by the applicant based on the type of bidding credit it selected in the application.<sup>37</sup>

64. To view the detailed information that has been pre-filled or otherwise already submitted regarding a DIH or FRB, click on the relevant party's name. To delete existing information in one of these categories, click on the relevant party's name and then click the **DELETE** button next to the name.

65. To add a new DIH or FRB, click on the relevant **ADD** button. Each screen will specify the information that the applicant must provide. Once all ownership information that has been entered has been confirmed as accurate on the *View/Edit Ownership Disclosure Information* screen, click the **CONTINUE** button.

## 3. Ownership Disclosures Required of All Applicants

66. All applicants, regardless of whether they are seeking a bidding credit, must provide information in their FCC Form 175 applications concerning their DIHs and FRBs.<sup>38</sup>

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<sup>37</sup> If the applicant asserts eligibility for a bidding credit, the *View/Edit Ownership Disclosure Information* screen will aggregate the revenues (if seeking a small business bidding credit) or subscribers (if seeking a rural service provider bidding credit) of all the applicable DIH(s) and affiliate(s) disclosed by the applicant. A warning message will display on the *Error Summary* screen if the aggregate number of average annual gross revenues (if seeking a small business bidding credit) exceeds the revenue range selected on the *Designated Entity Bidding Credit Eligibility* screen or if the aggregate number of subscribers exceeds 249,999 (if seeking a rural service provider bidding credit).

<sup>38</sup> See 47 CFR §§ 1.2105(a)(2)(ii)(A)-(B), 1.2112.

**a. Adding Disclosable Interest Holders**

67. To add a DIH, click on the **ADD** button on the *View/Edit Ownership Disclosure Information* screen, which will direct you to the *Add Disclosable Interest Holder* screen. You must make a DIH entry for any individual or entity required to be disclosed under section 1.2112 of the Commission’s rules.<sup>39</sup> On this screen and subsequent screens, you must provide information about the type of DIH (i.e., entity or individual), contact information for the DIH, type of interest the DIH has in the applicant,<sup>40</sup> percent of interest held in the applicant, and the DIH’s jurisdiction of formation (for an entity) or citizenship (for an individual). You have the option of providing the FRN of a DIH, but an FRN entry is not required.

68. If you enter one or more DIHs with indirect ownership interest(s) in the applicant on the *Add Disclosable Interest Holder Type* screen,<sup>41</sup> you must include an attachment describing 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 owner(s) to the applicant, e.g., indirect owners X and Z own 50% of holding company Y, and holding company Y owns 100% of the applicant.<sup>42</sup> You should provide only one attachment connecting all indirect owners to the applicant. The information in the attachment should be consistent with the information already provided in the data fields of FCC Form 175. You must select “Indirect Ownership” as the attachment “Type” when uploading this attachment. The procedure for uploading this required attachment is described below in Section IV.F.

69. The “Percent of Interest Held in Applicant” should reflect the DIH’s aggregate ownership interests 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 the percentages held by all DIHs collectively may exceed 100%. In other cases (e.g., a director with no ownership in the applicant), a DIH may have a zero percent ownership interest in the applicant.

70. After completing the necessary information for a DIH, click the **SAVE & CONTINUE** button. For any applicant not seeking a bidding credit, this will direct you to the *Information for DIH* screen, which will summarize the information you submitted for a particular DIH. As explained in further detail below, if an applicant is seeking a bidding credit, you will need to respond to additional questions before you are returned to the *View/Edit Ownership Disclosure Information* screen. To edit any information entered for a DIH, click the **OPEN** button next to the section in which you need to make changes. The *Information for DIH* screen also provides a button that allows you to add an FRB entry directly to an existing DIH, without needing to reenter the DIH’s information. After you have made any necessary FRB entries for each DIH and have confirmed the accuracy of all the information on the *Information for DIH* screen, click the **CONTINUE** button.

**b. Adding FCC Regulated Businesses**

71. To add an FRB of the applicant, click on the **ADD** button on the *View/Edit Ownership Disclosure Information* screen, which will direct you to the *Add FCC Regulated Business of Applicant* screen. The *Add FCC Regulated Business of Applicant* screen asks you to provide the name of the FRB, its principal business, and percent of interest held. “Percent of Interest Held” refers to the percent of interest held by the applicant in the FRB.

72. To add an FRB of a DIH, click the **Add Business** button under the DIH’s name in the **Disclosable Interest Holders of this Applicant** section on the *View/Edit Ownership Disclosure*

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<sup>39</sup> *Id.* § 1.2112.

<sup>40</sup> If the DIH holds an ownership interest that is not listed on the screen (e.g., another type of option or debt security), select “Other” and enter the DIH’s interest(s) in the “Specify” field accordingly.

<sup>41</sup> 47 CFR § 1.2112(a)(6).

<sup>42</sup> *Id.*

Information screen. The *Add FCC Regulated Business of DIH* screen asks you to provide the name of the FRB, its principal business, and percent of interest held. “Percent of Interest Held” refers to the percent of interest held by the DIH in the FRB.

73. To simplify filling out FCC Form 175, you can click on the **Select Entities Already Entered** link on the *Add FCC Regulated Business of Applicant* or *Add FCC Regulated Business of DIH* screens, respectively, when disclosing an FRB previously entered as an FRB for the applicant or another DIH. When you click the **Select Entities Already Entered** link on the *Add FCC Regulated Business of Applicant* or on the *Add FCC Regulated Business of DIH* screen, you will be redirected to the *Copy FCC Regulated Business of Applicant* screen or the *Copy FCC Regulated Business of DIH* screen, as applicable. On these screens, you can select each previously entered entity you want to copy. Please note that the only names that will appear in the list displayed on these screens are previously entered FRBs of the applicant, previously entered affiliates of the applicant, and previously entered DIHs that are entities. Once you have finished copying any FRB(s) of the applicant or DIHs to the applicable screens, be sure to enter the “Percent of Interest Held” in the FRB by the applicable party (either the applicant or the DIH).

74. After entering or copying the necessary information for a particular FRB, you must click the ADD button to save the information. Once you have entered all necessary FRB information, click the **SAVE & CONTINUE** button.

#### 4. Additional Ownership Disclosures and Information Required of Applicants Seeking a Small Business Bidding Credit

75. In addition to disclosing its DIHs and FRBs, an applicant seeking a small business bidding credit must provide certain additional information on the *Ownership* screens of FCC Form 175, including information on DIHs that have spectrum use agreements with the applicant, information about its affiliates, and gross revenue information for the applicant, its affiliates, its controlling interests, and the affiliates of its controlling interests.

##### a. Disclosures Related to Spectrum Use Agreements

76. An applicant seeking a small business bidding credit must make a DIH entry for any individual or entity with a 10% or greater interest of any kind in the applicant that uses, or has an agreement to use, in any manner, on a license-by-license basis, more than 25% of the spectrum capacity of any license that may be won by the applicant in Auction 108.<sup>43</sup>

77. After entering general DIH information (e.g., type of DIH, contact information, etc.) for a particular DIH on the *Add Disclosable Interest Holder* screens, you will be directed to the *Revenues Attributable to DIH* screen. On this screen, you will be asked to respond “Yes” or “No” to whether the DIH uses, or has an agreement to use, on a license-by-license basis, more than 25% of the spectrum capacity of any license selected in this application that may be won by the applicant or, if applicable, any license that may be won by the applicant in any license area selected in this application.<sup>44</sup> If you respond “Yes” to this question, you must submit an attachment that lists the parties to, and the particular license areas that are the subject of, any such spectrum use agreement(s). You must select “Spectrum Use” as the attachment “Type” when uploading the attachment.<sup>45</sup> The procedure for uploading this required attachment is described below in Section IV.F.

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<sup>43</sup> See *id.* § 1.2110(c)(2)(ii)(J).

<sup>44</sup> For purposes of this question, a DIH is any individual or entity holding a 10% or greater interest of any kind in the designated entity applicant including, but not limited to, stock warrants, options or debt securities. See *id.*

<sup>45</sup> Consistent with the limited information procedures in place for Auction 108, all information contained in any such attachment will be withheld from public disclosure until after the close of Auction 108.

78. After clicking the **SAVE & CONTINUE** button on the *Revenues Attributable to DIH* screen, you will be directed to the *Add/Edit Revenue Information for DIH* screen where, as discussed in further detail below, you will provide gross revenue information for the DIH.

**b. Adding Affiliates**

79. An applicant seeking a small business bidding credit must disclose its affiliates in its FCC Form 175 if any have not been disclosed as a DIH.<sup>46</sup> The definition of “affiliate” encompasses affiliates of the applicant and affiliates of controlling interests of the applicant.<sup>47</sup>

80. To add an affiliate, click on the **ADD** button on the *View/Edit Ownership Disclosure Information* screen, which will direct the applicant to the *Add Affiliate* screen. On the *Add Affiliate* screen, you will be required to provide the type of affiliate (i.e., entity or individual), the name of the affiliate, and the affiliate’s principal business.<sup>48</sup> In those instances where an affiliate of the applicant or an affiliate of a controlling interest is not a DIH, information regarding any such individual or entity should be disclosed on the *Add Affiliate* screen.

81. After clicking the **SAVE & CONTINUE** button on the *Add Affiliate* screen, you will be directed to the *Add/Edit Revenue Information for Affiliate* screen where, as discussed in further detail below, you will provide gross revenue information for the affiliate.

**c. Reporting Gross Revenues**

82. An applicant seeking a small business bidding credit must disclose separately, and in the aggregate, the gross revenues for the preceding five years for the applicant, its affiliates, its controlling interests, and the affiliates of its controlling interests, as well as for any DIH that has an agreement to use, on a license-by-license basis, more than 25% of the spectrum capacity of any license selected in its application that may be won by the applicant or, if applicable, any license that may be won by the applicant in any license area selected in its application.<sup>49</sup> If the applicant is a consortium of small businesses, this information must be provided for each member comprising the consortium.<sup>50</sup>

83. *Gross Revenues for the Applicant.* To add revenue information for the applicant, click the OPEN button in the “Gross Revenues Attributable to Applicant” portion of the *View/Edit Ownership Disclosure Information* screen. On the *Add/Edit Revenue Information for Applicant* screen, enter the applicant’s gross revenues for the five preceding years and indicate the year-end date for which the revenues apply. If the applicant and any predecessors-in-interest were not in existence for a full year of the relevant period, click the check box to indicate that fact. After completing the applicant’s revenue information, click the **SAVE & CONTINUE** button.

84. On the next screen, the *Add Revenue Information for Applicant* screen, indicate which of the two sources of financial information authorized by section 1.2110(o) the applicant used for its revenue information.

85. *Gross Revenues for DIHs.* As noted above, after clicking the **SAVE & CONTINUE** button on the *Revenues Attributable to DIH* screen, you will be directed to the *Add/Edit Revenue Information for DIH* screen. On this screen, you may provide revenue information for each applicable DIH. Enter the DIH’s gross revenues for the five preceding years and indicate the year-end date for

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<sup>46</sup> See 47 CFR § 1.2110(c)(5).

<sup>47</sup> *Id.*

<sup>48</sup> To simplify filling out the FCC Form 175, an applicant can click on the **Select Entities or Individuals Already Submitted** link when entering an affiliate that previously was entered as an FRB or a DIH.

<sup>49</sup> 47 CFR §§ 1.2110(b)(1)(i), (c)(2)(ii)(J), 1.2112(b)(1)(iv).

<sup>50</sup> *Id.* § 1.2112(b)(1)(vi).

which the revenues apply.<sup>51</sup> If the DIH and any predecessors-in-interest were not in existence for a full year of the relevant period, click the check box to indicate that fact. Revenue information need **not** be provided if the DIH is not an affiliate of the applicant, a controlling interest of the applicant, or an affiliate of a controlling interest of the applicant. To report that no revenue information needs to be disclosed, check the box at the top of the *Add/Edit Revenue Information for DIH* screen indicating that no revenue information will be provided for this particular DIH.<sup>52</sup> If the DIH is an individual or entity that is required to disclose revenue information, you should not check this box even if gross revenues are zero for the relevant time period. In such a situation, you should instead enter “0” in the revenue field for each relevant time period.

86. 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)(4)(iii) of the Commission’s rules for eligible rural telephone cooperatives.<sup>53</sup> **If an applicant claims that it (or its controlling interest) is an eligible rural telephone cooperative within the meaning of section 1.2110(b)(4)(iii) of the Commission’s rules, you should not check the box indicating that the DIH is not an affiliate or a controlling interest. You should instead check the box indicating that the DIH is an eligible rural telephone cooperative whose gross revenues are exempt from attribution to the applicant.** You must also provide in an attachment to the FCC Form 175 an affirmative statement that the applicant or a controlling interest is an eligible rural telephone cooperative within the meaning of section 1.2110(b)(4)(iii) and supply any additional information as may be required to demonstrate eligibility for the exemption from the attribution rule.

87. After completing the gross revenues entries for the applicant’s DIH, click the **SAVE & CONTINUE** button. On the next screen, the *Add Revenue Information for DIH* screen, you must indicate for the DIH the source of the financial information (either audited financial statements or financial statements prepared in accordance with generally accepted accounting principles (GAAP)).

88. *Gross Revenues for Affiliates.* As noted above, after clicking the **SAVE & CONTINUE** button on the *Add Affiliate* screen, you will be directed to the *Add/Edit Revenue Information for Affiliate* screen. Enter the affiliate’s gross revenues for the five preceding years and indicate the year-end date for which the revenues apply. If the affiliate and any predecessors-in-interest were not in existence for a full year of the relevant period, click the check box to indicate that fact.

89. After completing the gross revenues entries for the applicant’s affiliate, click the **SAVE & CONTINUE** button. On the next screen, the *Add Revenue Information for Affiliate* screen, you must indicate for the affiliate the source of the financial information (either audited financial statements or financial statements prepared in accordance with GAAP).

90. *Gross Revenues Confirmation.* Once you have finished entering all gross revenue information for the applicant, its affiliates, its controlling interests, the affiliates of its controlling interests, and any DIH that has an agreement to use more than 25% of the spectrum capacity of any

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<sup>51</sup> A consistent year-end date is required for all gross revenue entries in order to determine average gross revenues for multiple preceding years. The Commission’s rules do not allow an applicant to reduce the amount calculated as its aggregate average gross revenues by reporting revenues for less than a one-year period.

<sup>52</sup> Compare 47 CFR § 1.2110(c)(2) (defining controlling interests) and (c)(5) (defining affiliate) with *id.* § 1.2112(a) (describing disclosable interest holders). You should not, however, check this box for a DIH if you answer “Yes” to the question of whether the DIH uses, or has an agreement to use, on a license-by-license basis, more than 25% of the spectrum capacity of any license selected in the application that may be won by the applicant or, if applicable, any license that may be won by the applicant in any license area selected in the application. See *id.* § 1.2110. A warning message will display on the *Error Summary* screen discussed below if you check this box and also indicate that the applicant has a spectrum use agreement with a DIH for the use of more than 25% of the spectrum capacity of any license that may be won by the applicant.

<sup>53</sup> *Id.* § 1.2110(b)(4)(iii).

license selected in the application that may be won by the applicant or, if applicable, any license that may be won by the applicant in any license area selected in the application, you will need to confirm on the *Gross Revenues Confirmation* screen that the applicant has provided revenue information with respect to each party for which revenue information is required: (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.<sup>54</sup> To reach the *Gross Revenues Confirmation* screen, click on the **OPEN** button next to the "Gross Revenues Confirmation" section in the middle of the *View/Edit Ownership Disclosure Information* screen. After making your gross revenues confirmation, click the **SAVE & CONTINUE** button, and you will be directed back to the *View/Edit Ownership Disclosure Information* screen.

**5. Additional Ownership Disclosures and Information Required of Applicants Seeking a Rural Service Provider Bidding Credit**

91. In addition to disclosing its DIHs and FRBs, an applicant seeking a rural service provider bidding credit must provide certain additional information on the *Ownership* screens of the FCC Form 175, including subscriber information for the applicant's applicable DIHs, information about DIHs that have spectrum use agreements with the applicant, and information about its affiliates and their subscribers.

**a. DIH Subscriber Information**

92. After entering general DIH information (e.g., type of DIH, contact information, etc.) on the *Add Disclosable Interest Holder* screens, you will be directed to the *Subscribers Attributable to DIH* screen, on which you will enter the total number of combined wireless, wireline, broadband, and cable subscribers for each DIH for which such information is required. If the applicant is a consortium of rural service providers, this information must be provided for each member comprising the consortium.<sup>55</sup> Subscriber information need **not** be provided if the DIH is not an affiliate of the applicant, a controlling interest of the applicant, or an affiliate of a controlling interest of the applicant. To report that no subscriber information will be disclosed, check the box at the top of the screen indicating that no subscriber information will be provided for this particular DIH. If the DIH is an individual or entity that is required to disclose subscriber information, you should not check this box even if subscribers are zero for the DIH. In such a situation, you should instead enter "0" in the subscriber field.

**b. Disclosures of Related Spectrum Use Agreements**

93. An applicant seeking a rural service provider bidding credit must make a DIH entry for any individual or entity with a 10% or greater interest of any kind in the applicant that uses, or has an agreement to use, in any manner, on a license-by-license basis, more than 25% of the spectrum capacity of any license that may be won by the applicant in Auction 108,<sup>56</sup> and must provide the subscriber information described above for any such DIH. On the *Subscribers Attributable to DIH* screen, you will be asked to respond "Yes" or "No" to whether the DIH uses, or has an agreement to use, on a license-by-license basis, more than 25% of the spectrum capacity of any license selected in this application that may be won by the applicant or, if applicable, any license that may be won by the applicant in any license area selected in this application.<sup>57</sup> If you respond "Yes" to the question, you must submit an attachment that lists the parties to, and the particular license areas that are the subject of, any such spectrum use

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<sup>54</sup> *Id.* §§ 1.2110(b)(1)(i), 1.2112(b)(1)(iv).

<sup>55</sup> *Id.* § 1.2112(b)(1)(vi).

<sup>56</sup> *See id.* § 1.2110(c)(2)(ii)(J).

<sup>57</sup> For purposes of this question, a DIH is any individual or entity holding a 10% or greater interest of any kind in the designated entity including, but not limited to, stock warrants, options, or debt securities. *See id.*

agreement(s).<sup>58</sup> You will also be required to respond to the following additional question(s) on the *Subscribers Attributable to DIH* screen:

- If you indicate that a DIH has an agreement to use more than 25% of the spectrum capacity of any license selected in the application that may be won by the applicant or, if applicable, any license that may be won by the applicant in any license area selected in the application, you will be asked whether the attribution of the DIH's subscribers to the applicant causes the applicant to exceed the subscriber threshold to qualify for a rural service provider bidding credit with respect to any license selected in the application that may be won by the applicant or, if applicable, any license that may be won by the applicant in any license area selected in the application for which the DIH has such an agreement to use more than 25% of the spectrum capacity. If you answer "Yes" to this question, you must specify in an attachment for each license area selected in the application whether attribution of the DIH's subscribers to the applicant causes the applicant to exceed the subscriber threshold to qualify for a rural service provider bidding credit with respect to each such license area.
- If you select "Yes" to the preceding question, you will be asked whether the DIH independently meets the eligibility requirements for claiming a rural service provider bidding credit and if the DIH's spectrum use and any spectrum use agreement(s) the DIH has concerning any license selected in the application that may be won by the applicant or, if applicable, any license that may be won by the applicant in any license area selected in the application is otherwise permissible under the Commission's rules. If you answer "Yes" to this question, you must submit information in an attachment that demonstrates that the DIH is independently eligible for a rural service provider bidding credit.

94. You must select "Spectrum Use" as the attachment "Type" when uploading any of the above-described required attachments.<sup>59</sup> The procedure for uploading these attachments is described below in Section IV.F.

95. After providing the necessary information for a DIH, click the **SAVE & CONTINUE** button, which will direct you to the *Information for DIH* screen. Clicking the **CONTINUE** button on this screen will direct you back to the *View/Edit Ownership Disclosure Information* screen.

**c. Adding Affiliates**

96. An applicant seeking a rural service provider bidding credit must disclose its affiliates in its FCC Form 175<sup>60</sup> if any are not disclosed as a DIH, and provide the total number of combined wireless, wireline, broadband, and cable subscribers for each affiliate. The definition of "affiliate" encompasses affiliates of the applicant and affiliates of controlling interests of the applicant.<sup>61</sup>

97. To add an affiliate, click on the **ADD** button in the *View/Edit Ownership Disclosure Information* screen, which will direct you to the *Add Affiliate* screen. On the *Add Affiliate* screen, you

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<sup>58</sup> If you respond "Yes" to the question of whether the DIH uses, or has an agreement to use, more than 25% of the spectrum capacity of any license selected in the application that may be won by the applicant or, if applicable, any license that may be won by the applicant in any license area selected in the application, you should **not** check the box indicating that no subscriber information for that same DIH will be provided. A warning message will display on the *Error Summary* screen if you check both this box and the box indicating that the applicant has a spectrum use agreement with a DIH for the use of more than 25% of the spectrum capacity of any license that may be won by the applicant.

<sup>59</sup> Consistent with the limited information procedures in place for Auction 108, all information contained in any such attachment will be withheld from public disclosure until after the close of Auction 108.

<sup>60</sup> See 47 CFR § 1.2110(e)(5).

<sup>61</sup> *Id.*

will be required to provide the type of affiliate (i.e., entity or individual), the name of the affiliate, the affiliate's principal business, and the number of the affiliate's subscribers.<sup>62</sup> In those instances where an affiliate of the applicant or an affiliate of a controlling interest is not a DIH, information regarding any such individual or entity should be disclosed on the *Add Affiliate* screen. After completing the necessary information for an affiliate, click the **SAVE & CONTINUE** button.

## 6. Foreign Ownership

98. Section 310 of the Communications Act requires the Commission to review foreign investment in radio station licensees and imposes specific restrictions on who may hold certain types of radio licenses.<sup>63</sup> The provisions of section 310 apply to applications for initial radio licenses, applications for assignments and transfers of control of radio licenses, and spectrum leasing arrangements under the Commission's secondary market rules.<sup>64</sup>

99. An auction applicant is required to certify in its FCC Form 175 that, as of the deadline for filing an application for Auction 108, the applicant is in compliance with the foreign ownership provisions of section 310 or that it has filed a petition for declaratory ruling requesting Commission approval to exceed the statutory foreign ownership limit or benchmark in section 310(b) that is pending before, or has been granted by, the Commission.<sup>65</sup> You must select "Foreign Ownership" as the attachment type when uploading this attachment. The procedure for uploading this attachment is described below in Section IV.F. It is not necessary for an applicant to file a request for declaratory ruling concerning its foreign ownership if the applicant attaches to its auction application an exhibit showing that the requested license is exempt from the provisions of section 310(b)(3) or (b)(4).

100. Potential applicants are encouraged to contact the Commission's staff before filing their auction applications if they have any questions about complying with the foreign ownership requirements. For information on filing such a petition through the International Bureau Filing System (IBFS), see Part 1, Subpart Y of the Commission's rules.<sup>66</sup> Applicants that require assistance with filing a petition electronically through IBFS should direct their inquiries to Adrienne McNeil, Telecommunications & Analysis Division, International Bureau, at (202) 418-0412, or by email to [adrienne.mcneil@fcc.gov](mailto:adrienne.mcneil@fcc.gov), or contact the IBFS Help Line at (202) 418-2222. For information about what must be included in section 310(b)(3) or (b)(4) petitions for declaratory ruling and how the Commission analyzes foreign ownership issues, see sections 1.5000–1.5004 of the Commission's rules<sup>67</sup> and the Commission's foreign ownership

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<sup>62</sup> To simplify filling out FCC Form 175, you can click on the **Select Entities or Individuals Already Submitted** link when entering an affiliate that previously was entered as an FRB or a DIH.

<sup>63</sup> See 47 U.S.C. § 310(a), (b).

<sup>64</sup> 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*, IB Docket No. 11-133, Second Report and Order, 28 FCC Rcd 5741, 5747-48, para. 7 (2013) (*Foreign Ownership Second Report and Order*). The Commission amended its foreign ownership rules in *Review of Foreign Ownership Policies for Broadcast, Common Carrier and Aeronautical Radio Licensees under Section 310(b)(4) of the Communications Act of 1934, as Amended*, GN Docket No. 15-236, Report and Order, 31 FCC Rcd 11272 (2016), *pet. for recon. dismissed*, 32 FCC Rcd 4780 (2017). The rules are now codified in 47 CFR §§ 1.5000-1.5004.

<sup>65</sup> See 47 CFR § 1.2105(a)(2)(v), (vi). You should attach to the auction application as an exhibit a copy of the applicant's petition for declaratory ruling concerning its foreign ownership, which must be filed electronically through IBFS prior to submitting the FCC Form 175. If an applicant has already received a declaratory ruling from the Commission granting it permission to exceed the applicable foreign ownership limit or benchmark in section 310(b), the applicant should attach to the auction application an exhibit that identifies the citation(s) of the applicable declaratory ruling(s) by the IBFS file number and by the "DA" or "FCC" number, or by the FCC Record citation, if available, as well as the release date of the declaratory ruling, and any other identifying information.

<sup>66</sup> *Id.* §§ 1.10000 *et seq.*

<sup>67</sup> *Id.* §§ 1.5000-1.5004.

decisions discussed herein. Inquiries regarding compliance with section 310 of the Communications Act and the filing and processing of petitions for declaratory ruling should be directed to Kimberly Cook, Deputy Division Chief, Telecommunications & Analysis Division, International Bureau, at (202) 418-7532 or by email to [kimberly.cook@fcc.gov](mailto:kimberly.cook@fcc.gov), or to Fara Mohsenikolour, Attorney-Advisor, Telecommunications & Analysis Division, International Bureau, at (202) 418-1429 or by email to [Fara.Mohsenikolour@fcc.gov](mailto:Fara.Mohsenikolour@fcc.gov).

### **E. Summary**

101. The *Summary* screen summarizes the information provided in the previous screens. This screen will appear prior to the *Certify & Submit* screen and allows you to review the information you entered on previous screens and to check for inconsistencies or omissions in the information entered.

102. The *Error Summary* screen lists the sections of the application and displays any error and warning messages for each section. If errors are detected, you can click on the application section link and section name, and then make any necessary corrections. An error message will be removed once it is corrected. When all errors have been corrected, click the **CONTINUE TO CERTIFY** button. You will not be able to proceed to the *Certify & Submit* screen if any error messages appear on the *Error Summary* screen.

103. Each applicant is solely responsible for providing complete and accurate information in its FCC Form 175. The automated check for errors is provided to assist applicants in completing FCC Form 175. However, the automated check may not catch all errors, and an applicant cannot rely on the automated check to determine the completeness or the accuracy of submitted information. In addition, although you will be able to proceed to the *Certify & Submit* screen even if you receive a warning message, you should try to address or correct any issues identified in a warning before submitting your application, if possible. You should not assume that the ability to certify and submit FCC Form 175 with a warning message indicates that the subject of the warning will not affect whether the applicant will be deemed qualified to participate in the auction.

104. If the automated check does not reveal certain inconsistencies or omissions, each application section will display the message “No errors” with a green checkmark. Once this happens, you may then click the **CONTINUE TO CERTIFY** button.

### **F. Attachments**

105. When an applicant needs to provide information not entered directly on the FCC Form 175 screens (e.g., a description of the relationship among indirect ownership interests of the applicant, information regarding arrangements involving the use of any spectrum capacity of an applicant claiming eligibility for a bidding credit, etc.), such information should be provided in an attachment. You can add an attachment to FCC Form 175 via the *Application Attachments* screen by clicking the **Attachments** link in the upper right of any screen. This screen requests information regarding the type of attachment to be added, the file to be attached, and a brief description of the attachment.

106. The following scenarios require an attachment. Select the appropriate “Type” for each attachment. If you do not select the appropriate attachment type, an error message will appear on the *Error Summary* screen, and the application will not be able to be certified and submitted.

- If you indicate on the *Legal Classification* screen that the applicant is a consortium, select “**Consortium**” as the “Type” of attachment in the dropdown list and upload the required attachment.
- If you are seeking a bidding credit and indicate on the *Designated Entity Bidding Credit Eligibility* screen that the applicant is eligible for the exception from the attribution requirement pursuant to section 1.2110(f)(4)(i)(C)(2) of the Commission’s rules, select “**Rural Partnership**” as the “Type” of attachment in the dropdown list and upload the required attachment.

- If you indicate on the *Agreements with Other Parties and Joint Bidding Arrangements* screen that the applicant has entered into any agreements or arrangements that must be disclosed pursuant to section 1.2105(a)(2)(viii) of the Commission’s rules, select “**Agreement**” as the “Type” of attachment in the dropdown list and upload the required attachment.
- If you are seeking a bidding credit and indicate on the *Revenues Attributable to DIH* screen (for applicants seeking a small business bidding credit) or *Subscribers Attributable to DIH* screen (for applicants seeking a rural service provider bidding credit) that a DIH uses, or has an agreement to use, more than 25% of the spectrum capacity of any license selected in the application that may be won by the applicant or, if applicable, any license that may be won by the applicant in any license area selected in the application, select “**Spectrum Use**” as the “Type” of attachment in the dropdown list and upload the required attachment.
- If you indicate on the *Add Disclosable Interest Holder Type* screen that one or more DIH has an indirect ownership interest in the applicant, select “**Indirect Ownership**” as the “Type” of attachment in the dropdown list and upload the required attachment.

107. For any other attachments the applicant needs or wishes to submit in support of its application, select the appropriate attachment “Type” in the dropdown list. To upload any information concerning an applicant’s foreign ownership, select “Foreign Ownership” as the “Type” of attachment in the dropdown list. If a request for a waiver or exemption of any of the Commission’s rules or procedures needs to be submitted, select “Waiver” as the “Type” of attachment in the dropdown list to help facilitate prompt processing of the request. A request for confidential treatment of information submitted with an application should be identified as such by selecting “Confidential Treatment” as the “Type” of attachment in the dropdown list.<sup>68</sup>

108. After selecting the correct file attachment, click the **UPLOAD FILE** button. You may experience a short delay as the system processes an uploaded attachment. A list of any attachments already uploaded to an applicant’s FCC Form 175 will appear at the bottom of the screen. Please note that you may proceed with your application while the system processes any attachment(s), including clicking the Certify & Submit button to submit your application. Applicants are reminded that late applications or unconfirmed submissions will not be accepted.

109. When uploading attachments, you may use a variety of file formats, including Word (.doc and .docx), Adobe PDF (.pdf), and text files (.txt and .odt). Any files uploaded will be automatically converted to a .pdf format. You must verify that the files contain all attachment information. Any uploaded files may be no larger than 10 MB each and must not be password-protected. Graphics files (e.g., .bmp, .tiff, .jpg) are not supported. Spreadsheets (.xls, .xlsx, and .csv) are supported but are not recommended.

110. Once all attachments are uploaded, click the **CONTINUE** button. After the FCC Form 175 filing deadline, an application attachment may not be deleted or withdrawn. If an applicant needs to modify information provided in an attachment after the initial filing deadline, it must submit a new attachment with the modified/updated information and indicate that the new attachment replaces the previous attachment.

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<sup>68</sup> An applicant requesting confidential treatment of any information submitted with its short-form application must follow the requirements set forth in section 0.459 when submitting this attachment, including providing a statement of the reasons for withholding the information for which confidential treatment is sought from inspection and the facts upon which those records are based. *See* 47 CFR § 0.459(b). The Commission will not consider casual requests for confidential treatment (e.g., selecting “Confidential Treatment” as the attachment type without providing the information required under section 0.459).

### G. Certify and Submit

111. The *Certify & Submit* screens provide several certifications required of all Auction 108 applicants.<sup>69</sup> The *Certify & Submit* screens also request that the applicant's certifying official be identified and sign the application.

112. An FCC Form 175 must be certified by a person with the authority to bind the applicant. In the event that changes are made to any of the information in FCC Form 175 after the application filing deadline, the person that originally certified the application will have to certify the changes as well. The person certifying the application cannot be changed in the Auction Application System after the application filing deadline.

113. Applicants are reminded that submission of an FCC Form 175 constitutes a representation by the person certifying that he or she is an authorized representative of the applicant with the authority to bind the applicant and has read the form's instructions and certifications. Submission of an FCC Form 175 also constitutes a representation by the person certifying that the contents of the application, its certifications, and any attachments are true, complete, and correct. Submission of a false certification may result in penalties, including monetary forfeitures, license forfeitures, ineligibility to participate in future auctions, and/or criminal prosecution.

114. Once the *Certify & Submit* screens have been filled out, click on the **CERTIFY & SUBMIT** button to submit the application.<sup>70</sup> Information in an application will not be considered by the Commission for Auction 108 unless the applicant's certifying official clicks the **CERTIFY & SUBMIT** button on this screen.

115. After an application has been submitted, a confirmation screen will be displayed that states the submission time and date, along with a unique file number. The applicant is strongly encouraged to print or save a copy of the confirmation page for its records. The applicant may view and print copies of its submitted application by clicking the **Print** link under the file number or by using the **Print** link in the upper right of the screen.

116. FCC Form 175 applications must be submitted and confirmed prior to **6:00 p.m. ET on May 10, 2022**. Late applications or unconfirmed submissions will not be accepted.

### H. Withdrawing a Short-Form Application

117. An applicant may withdraw its short-form application only during the initial filing window. To withdraw a submitted application before the filing deadline, click on the **Withdraw Application** icon on the *Review or Modify Existing Short-Form Applications* section of the *Auction Application Manager* screen. The entire FCC Form 175, including all previously submitted data and any uploaded attachments, will be deleted. **An application may not be withdrawn after the application filing deadline of 6:00 p.m. ET on May 10, 2022.**

118. Each applicant that submits an FCC Form 175 to participate in Auction 108 becomes subject to the Commission's prohibition on certain communications as of the application filing deadline. The prohibition applies to applicants until the post-auction down payment deadline, regardless of whether an applicant has an application that has been deemed to be complete, becomes a qualified bidder, places a bid, or is no longer bidding in the auction.<sup>71</sup>

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<sup>69</sup> See 47 CFR § 1.2105(a)(2).

<sup>70</sup> Please allow up to several minutes for processing once you click the **CERTIFY & SUBMIT** button, particularly if the applicant has a large number of ownership entries. To avoid technical complications, do not click the **CERTIFY & SUBMIT** button more than once while waiting for the system to process your submission.

<sup>71</sup> See *Auction 108 Procedures Public Notice* at 23-24, paras. 59-62.

## I. Updating an Existing Short-Form Application

119. The *Review or Modify Existing Short-Form Applications* section of the *Auction Application Manager* screen displays any application created or submitted within an application filing window. This screen shows which auction the application was filed for, the application status, the date and time the application was last modified, and the date and time the application was last submitted. It may be used as a reference to confirm the date and time of the most recent submission of an application.

120. To review or continue working on an existing short-form application, click the auction number (i.e., click on “108” for your Auction 108 application), which will display the application’s *Summary* screen in a view/edit mode. To submit any changes made to FCC Form 175, go to the *Certify Auction Application* screen and click the **CERTIFY & SUBMIT** button. After the revised application has been submitted, a confirmation page will display the application’s file number and submission time and date. An applicant is strongly encouraged to print or save a copy of the confirmation page for its records. You may view and print copies of a submitted application by clicking on the **Print** link under the file number or by using the **Print** link in the upper right of the screen.

121. After the initial FCC Form 175 filing deadline, an applicant will be permitted to make only minor changes to its application.<sup>72</sup> Examples of minor changes include the deletion or addition of authorized bidders (to a maximum of three); the revision of addresses and telephone numbers of the applicant, its responsible party, and its contact person. A major modification to an FCC Form 175 (e.g., change of license or license area selection, certain changes in ownership that would constitute an assignment or transfer of control of the applicant, change in the required certifications, change in applicant’s legal classification that results in a change in control, or change in claimed eligibility for a higher percentage of bidding credit) will not be permitted after the initial FCC Form 175 filing deadline.<sup>73</sup>

122. An applicant’s ability to modify its FCC Form 175 directly in the Auction Application System will be limited between the closing of the initial filing window and the opening of the application resubmission filing window, and again between the closing of the resubmission filing window and the release of the public notice announcing the qualified bidders for an auction. During these periods, an applicant will be able to view its submitted application, but it will be permitted to modify only the applicant’s address, responsible party address, and contact information (e.g., name, address, telephone number, etc.) in the Auction Application System. If, during these periods, an applicant needs to make other permissible minor changes to its FCC Form 175, or changes to maintain the accuracy and completeness of its application, the applicant must submit a letter briefly summarizing the changes to its FCC Form 175 via email to [auction108@fcc.gov](mailto:auction108@fcc.gov).<sup>74</sup> The email summarizing the changes must include a subject line referring to Auction 108 and the name of the applicant, for example, “Re: Changes to Auction 108 Auction Application of XYZ Corp.” Any attachments to the email must be formatted as Adobe® Acrobat® (PDF) or Microsoft® Word documents. An applicant that submits its changes in this manner must subsequently modify, certify, and submit its FCC Form 175 application electronically in the Auction Application System once it is again open and available to applicants.

## V. UPFRONT PAYMENTS; REQUEST FOR REFUND OF UPFRONT PAYMENT

### A. Upfront Payment Calculator and FCC Form 159

123. In order to be eligible to bid in Auction 108, a sufficient upfront payment and a complete and accurate FCC Remittance Advice Form (FCC Form 159, Revised 2/03) must be submitted before 6:00 p.m. ET on June 23, 2022.<sup>75</sup> You may access the **Upfront Payment Calculator and Form 159** icon

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<sup>72</sup> *Id.* at 42, para. 114.

<sup>73</sup> See 47 CFR § 1.2105(b)(2); *Auction 108 Procedures Public Notice* at 42, para. 114.

<sup>74</sup> See *Auction 108 Procedures Public Notice* at 43, para. 118; see also 47 CFR § 1.65.

<sup>75</sup> *Auction 108 Procedures Public Notice* at 49, para. 144.

or link from the *Review or Modify Existing Short-Form Applications* section of the *Auction Application Manager* screen and the *Confirmation of Submission* screens, respectively. Clicking the **Upfront Payment Calculator and Form 159** link or icon will provide a calculator to determine the appropriate upfront payment amount to submit with the FCC Form 159. From the *Calculate Upfront Payment* screen, click the **FORM 159** button to obtain the FCC Form 159. Additional information about upfront payments may be found in the *Auction 108 Procedures Public Notice*.<sup>76</sup>

## B. Refund of Upfront Payment

124. You can use the **Refund Form** icon found on the *Review or Modify Existing Short-Form Applications* section of the *Auction Application Manager* screen or the **Refund Form** link available on the *Confirmation of Submission* screen in the Auction Application System to access the form required for refunds of upfront payments. The Commission will use this information to refund excess funds on deposit. Additional information on how to submit the Refund Form may be found in the *Auction 108 Procedures Public Notice*.<sup>77</sup>

## VI. PUBLIC AVAILABILITY OF APPLICATION INFORMATION

125. All information that is required to be submitted as part of an application to participate in Auction 108 is necessary to determine each applicant's qualifications to participate in the auction. Short-form application information will generally be publicly available after the Commission releases a public notice with the initial status of all timely submitted applications. However, consistent with the Commission's limited information procedures in place for Auction 108, certain information in each application will not be publicly available until after bidding in the auction has closed.<sup>78</sup> Some information may also be withheld permanently, e.g., the Commission will withhold the email addresses of the authorized bidders (FCC Usernames) from public disclosure. Because much of the application will be made publicly available, an applicant should take care not to include any unnecessary sensitive information, such as Taxpayer Identification Numbers or Social Security Numbers, in its application.

126. An applicant may request that information submitted in its application not be made routinely available for public inspection following the procedures set forth in section 0.459 of the Commission's rules.<sup>79</sup> Such requests must be included as an attachment to the applicant's FCC Form 175 and must, among other things, identify the specific information to which the request applies.<sup>80</sup> Applicants are cautioned that because the required information submitted in FCC Form 175 bears on each applicant's qualifications, requests for confidential treatment will not be routinely granted. The Commission has held generally that it may publicly release confidential business information where the party has put that information at issue in a Commission proceeding or where the Commission has identified a compelling public interest in disclosing the information.<sup>81</sup> In this regard, the Commission has specifically held that information submitted in support of receiving bidding credit discounts in auction proceedings should be made available to the public.<sup>82</sup>

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<sup>76</sup> *Id.* at 49-55, paras. 144-61.

<sup>77</sup> *Id.* at 77, paras. 251-52.

<sup>78</sup> *Id.* at 22, para. 53.

<sup>79</sup> 47 CFR § 0.459.

<sup>80</sup> The procedure for uploading application attachments is described above in Section IV.F (Attachments).

<sup>81</sup> See *Examination of Current Policy Concerning Treatment of Confidential Information Submitted to the Commission*, GC Docket No. 96-55, Report and Order, 13 FCC Rcd 24816, 24822-23, para. 8 (1998).

<sup>82</sup> See *SAL Spectrum, LLC – Request for Confidential Treatment of Subscriber Information Provided in FCC Form 175*, Letter Order, 31 FCC Rcd 3726 (WTB 2016) (denying a request for confidentiality of the number of wireless, wireline, broadband, and cable subscribers submitted by an applicant for only those affiliates operating in the United

**VII. MISCELLANEOUS**

**A. Access to View Short-Form Applications**

127. After the deadline for filing short-form applications, the Commission will process all timely submitted applications and subsequently issue a public notice identifying those applications that are (1) complete and (2) incomplete or deficient because of minor defects that may be corrected. Following the release of that public notice, any interested parties may view the auction applications (except for any application information that is subject to the limited information disclosure procedures adopted by the Commission for Auction 108)<sup>83</sup> by searching for them in the Commission’s database.

128. To start a search, go to either [auctions.fcc.gov](http://auctions.fcc.gov) (primary location) or [auctions2.fcc.gov](http://auctions2.fcc.gov) (secondary location) and click the **Auction Application Search** link in the “Public Access” area on the Auction Application System screen.

**B. Contact Information**

129. For further information concerning Auction 108, contact the appropriate individual or office listed below:

**FCC Auctions Hotline**

General Auction Questions:

(888) 225-5322, option two; or

Auction Process and Procedures:

(717) 338-2868

Hours of service: 8:00 a.m. – 5:30 p.m. ET,  
Monday through Friday

**Auctions Division, Office of Economics and Analytics**

For general auction questions:

Auctions Hotline at (717) 338-2868

For auction legal questions:

Daniel Habif, Scott Mackoul, or Lyndsey  
Grunewald at (202) 418-0660

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States); *Application of Northeast Communications of Wisconsin, Inc.; Request for Confidential Treatment of Financial Information Contained in FCC Form 175 Filing in the Local Multipoint Distribution Service*, Memorandum Opinion and Order, 15 FCC Rcd 3289, 3291, para. 6 (2000) (*Northeast Communications*) (denying application for review by an auction applicant seeking confidentiality of financial information submitted in its short-form application in support of its claim of eligibility for a small business bidding credit); *AMTS Consortium, LLC*, Memorandum Opinion and Order, 25 FCC Rcd 526, 530, para. 15 (2010) (citing *Northeast Communications* and distinguishing the denial of confidential treatment for information necessary to determine bidding credit eligibility from the grant of confidential treatment for other types of transactional information); *Bartholdi Cable Co. v. FCC*, 114 F.3d 274 (D.C. Cir. 1997) (holding that the public had a compelling interest in the information on unauthorized operations which was at issue because it had a direct bearing on the applicant’s qualifications as a Commission licensee).

<sup>83</sup> See *Auction 108 Procedures Public Notice* at 22, para. 53.

## Federal Communications Commission

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### **Broadband Division, Wireless Telecommunications Bureau**

For legal questions about the 2.5 GHz Service:

Madelaine Maior or Nadja Sodos-Wallace at (202) 418-2487

### **Payment Information**

Wire Transfers  
Refunds

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

Scott Radcliffe at (202) 418-7518, or Theresa Meeks at (202) 418-2945, or (fax) (202) 418-2843, or email to [RROGWireFaxes@fcc.gov](mailto:RROGWireFaxes@fcc.gov)

### **Technical Support**

Electronic Filing:  
Auction Application System (Hardware/Software  
Issues)

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

For FRN username and password questions

(877) 480-3201, option 1  
Hours of service: 8:00 a.m. – 6:00 p.m. ET,  
Monday through Friday

### **FCC Forms**

(800) 418-3676 (outside Washington DC)  
(202) 418-3676 (in the Washington DC area)  
[www.fcc.gov/forms](http://www.fcc.gov/forms)

### **Consumer and Governmental Affairs Bureau**

For Accessible Formats:

(202) 418-0530  
(202) 418-0432 (TTY)  
[fcc504@fcc.gov](mailto:fcc504@fcc.gov)

### **Office of Communications Business Opportunities**

For questions concerning small and disadvantaged  
business inquiries:

(202) 418-0716  
[OCBOinfo@fcc.gov](mailto:OCBOinfo@fcc.gov)  
[www.fcc.gov/ocbo](http://www.fcc.gov/ocbo)

### **FCC Internet Sites**

[www.fcc.gov](http://www.fcc.gov)  
[www.fcc.gov/auction/108](http://www.fcc.gov/auction/108)

### **Electronic Code of Federal Regulations**

[www.ecfr.gov](http://www.ecfr.gov)