



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DA 96-1153

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Entrepreneurs' C Block Reauction Closes

FCC ANNOUNCES WINNING BIDDERS IN THE REAUCTION OF 18 LICENSES TO PROVIDE BROADBAND PCS IN BASIC TRADING AREAS: Auction Event No. 10

On July 16, 1996, the Federal Communications Commission completed its reauction of 18 licenses to provide broadband Personal Communications Services (PCS) on the C block¹ in the 2 GHz band, raising a net total of \$904,607,467 for the U.S. Treasury. These licenses authorize service on 30 MHz of spectrum in 18 Basic Trading Areas (BTA) and BTA-like areas. This Public Notice provides winning bidders detailed information concerning down payments, FCC Form 600 filing requirements, requests for waiver, installment payments and licensing matters. Winning bidder information appears in Attachment A.

Summary of important dates for winning bidders

- **Down Payments** A total down payment of ten percent (10%) is required from all winning bidders. The down payment due dates are as follows:
 - Initial down payment of five percent (5%) of net winning bid due on or before ***July 24, 1996.***
 - Remaining down payment of five percent (5%) of net winning bid due within five (5) business days following a Public Notice announcing conditional license grant.
- **FCC Form 600 ("long-form application")**
 - Winning bidders are required to file a long-form application for each license upon which it is a high bidder.
 - All applications are due on or before ***5:30 P.M. (ET) on July 31, 1996.***

Bidder Default

If a winning bidder fails to submit the required down payment(s) Wednesday, July 24, 1996, the bidder will be deemed to have defaulted, its application will be dismissed, and it will be subject to the default payment specified in Sections 1.2104(g)(2) and 24.704(a)(2) of

¹ The C block encompasses the 1895-1910 MHz band paired with 1975-1990 MHz band.

the Commission's rules. See 47 C.F.R. §§ 1.2104(g)(2) and 24.704(a)(2); *Public Notice*, "Wireless Telecommunications Bureau Will Strictly Enforce Default Payment Rules," DA 96-481 (rel. April 4, 1996). Specifically, the defaulting bidder will be required to reimburse the Commission in the amount of the difference between its net winning bid and the amount of the winning bid the next time the license is offered, if the subsequent winning bid is lower. In addition, defaulting winning bidders will be subject to a default payment of three percent of the subsequent winning bid or three percent of the defaulting bid, whichever is less.

Down Payments

Each winning bidder must submit to Mellon Bank sufficient funds to bring its total deposits with the government (including upfront payment less any withdrawal or default payments) to **five percent (5%)** of the sum of its net winning bids by **Wednesday, July 24, 1996**. The remaining five percent (5%) of the down payment will be due within five (5) business days following a Public Notice announcing conditional license grant. **Winning bidders must monitor the Commission's Public Notices during this time period in order to ascertain the down payment date for the remaining five percent (5%) and submit a timely payment. Any bidder who fails to make a full and timely payment of either the initial down payment or the remaining down payment will be considered in default.**

All payments must be made in U.S. dollars, must be in the form of a wire transfer or cashier's check, and must be made payable to the "Federal Communications Commission" or "FCC". No personal checks or other forms of payment will be accepted. Down payments must be accompanied by a completed FCC Remittance Advice Form (FCC Form 159).² ON THE FCC FORM 159, BIDDERS MUST USE THE SAME FCC ACCOUNT NUMBER ASSOCIATED WITH THEIR FCC FORM 175.

Cashier's checks must be drawn on a financial institution whose deposits are insured by the Federal Deposit Insurance Corporation (FDIC). Payments by cashier's check must be received by **11:59 P.M. Eastern Time, July 24, 1996**. Cashier's checks should be addressed to:

**Mellon Bank
Attention: Auction No. 10
P.O. Box 358850
Pittsburgh, PA 15251-5850**

² Copies of the FCC Form 159 may be obtained by calling the Commission's Forms Distribution Center at 1-800-418-3676 (outside Washington, D.C.) or (202) 418-3676 (inside Washington, D.C.). Copies of the FCC Form 159 can also be obtained via the Internet and by Fax-On-Demand. If applicants have any questions concerning availability of the FCC Form 159, call the FCC Records Management Branch at 202-418-0210.

If delivering an auction payment in person or by courier, the cashier's check and FCC Remittance Advice Form (FCC Form 159) must be delivered to:

Mellon Bank
Attention: Wholesale Lockbox Shift Supervisor
27th Floor (153-2713)
3 Mellon Bank Center
525 William Penn Way
Pittsburgh, PA 15259-0001
(Note: Please indicate on the inside envelope "Lockbox No. 358850".)

Payments made by wire transfer must be received by **6 P.M. Eastern Time, Wednesday, July 24, 1996**. Bidders making payments by wire transfer should allow sufficient time for the wire transfer to be initiated and for the transmission to be completed prior to the deadline. Bidders making payments by wire transfer must fax a completed FCC Form 159 to Mellon Bank at (412) 236-5702 at least one hour prior to placing the order for the wire transfer (but on the same business day). To submit funds by wire transfer, bidders will need the following information:

ABA Routing Number: 043000261
Receiving Bank: Mellon Pittsburgh
BNF: FCC/AC-9116106
OBI Field: (Skip one space between each information item)
"AUCTIONPAY"
FCC ACCOUNT NO. (SAME AS FCC FORM 159, BLOCK 1)
PAYMENT TYPE CODE (enter "AWCD")
FCC CODE 1 (enter "10")
PAYOR NAME (SAME AS FCC FORM 159, BLOCK 3)
LOCKBOX NO. 358850

Winning bidders must specify each license won as a separate item on FCC Form 159 (use continuation sheet FCC 159-C if necessary). **BIDDERS MUST INCLUDE THE "License No." DESIGNATION(S) FOR EACH LICENSE** (e.g., "PBB001C"; the license numbers are listed in the *Public Notice*, "18 Defaulted Licenses to be Reauctioned," DA 96-872 (rel. May 30, 1996)) **IN BLOCK 18 OF FCC FORM 159**. Winning bidders of multiple licenses must calculate the down payment applicable to each license separately by applying a portion of its upfront payment to each of the licenses on a prorated basis. Questions concerning the calculation and submission of down payments should be directed to Regina Dorsey or William Koch at (202) 418-1995.

An examples of how the **initial down payment** is calculated is provided below. This example provides an illustration of how upfront payments are applied when calculating the initial down payment.

Total Down Payment of Ten Percent (10%):

- Initial Down Payment of five percent (5%) due by July 24, 1996.

- Remainder Down payment of five percent (5%) due within five (5) business days following a Public Notice announcing conditional license grant (not illustrated below).

Example:

Upfront Payment Amount \$3,000,000
 Withdrawal Payment Amount \$0
 Amount of Upfront Payment to be Counted Towards Initial Down Payment \$3,000,000

	Net High Bid Amount	Initial Down Payment Amount Due (5%)	Pro Rata Share of Upfront Payment	Amount of Upfront Payment Applied	Balance of Initial Down Payment Due by July 24, 1996
Lic. A	\$20,000,000	\$1,000,000	25%	\$750,000	\$250,000
Lic. B	\$60,000,000	\$3,000,000	75%	\$2,250,000	\$750,000
Totals	\$80,000,000	\$4,000,000	100%	\$3,000,000	\$1,000,000

Refunds of Excessive Upfront Payments

Upfront monies on deposit which are in excess of the required remaining down payment will be refunded to the payor of record. Refunds will be processed promptly and automatically after the close of the auction. There is no action required on the payor's part to obtain a refund.

Refund of Upfront Payments (for bidders who did not win any licenses)

All applicants that submitted upfront payments but were not winning bidders for any licenses are entitled to a refund of their upfront payments after the close of the auction. Written requests for wire transfer refunds should be transmitted by facsimile to the Billings and Collections Branch, Federal Communications Commission, ATTN: William Koch. The fax number is (202) 418-2843. Written requests must be on company letterhead and should include the following information: Taxpayer Identification Number, FCC Account Number, wire transfer information, and the amount of the upfront payment to be refunded.

Installment Payment Plan

An auction installment payment plan package, along with the installment payment plan, will be mailed separately to each winning bidder after the licenses have been granted.

FCC FORM 600: INSTRUCTIONS

Electronic Filing Instructions

Applicants for the C Block auctions are encouraged to file their FCC Form 600s electronically. For this auction, applicants who choose to file electronically are not required to provide a signed application or three microfiche copies of the original document. Detailed instructions for downloading the software necessary to file the Form 600 electronically appear in Attachment B.

Electronic filers should file each exhibit to the FCC Form 600 Main Form separately. That is, electronic filers should label each ownership and eligibility exhibit (as described below) and upload it into the "Attachments" tab as a separate file.

Information for Electronic Filers who were High Bidders in Multiple Markets

Electronic filers applying for multiple markets are not required to submit applications for each market if **all** filing requirements associated with the application (the ownership worksheet, all ownership and eligibility attachments, waiver requests and divestiture plans) are identical **except** for the market designator and market name. Under these circumstances, applicants may submit *one* FCC Form 600 Main Form and Schedule A. On Schedule A, applicants must select one market designator (item A2 on the Schedule A) and market name (Item A5) and file an additional exhibit under the "Attachment" tab labelled "**Exhibit K: Market Designator**" (*see* Section VIII, below) for the additional markets. This exhibit should contain all the additional market designators (other than the market designator already indicated in item A2) that the application covers. **EXAMPLE:** A winning bidder for three markets (B232, Knoxville, TN; B229, Kingsport-Johnston City, TN-Bristol, VA/TN; and B295, Middlesboro-Harlan, KY) with identical required filings would insert one market designator in item A2 (B232) and one market name in item A5 (Knoxville, TN) and file the following data under Exhibit K: B229, B295.

Winning bidders whose ownership, eligibility, waiver and divestiture filings are identical for some markets but differ for others may utilize this streamlined filing procedure only for those markets that have identical filing information. For those markets with unique filings, electronic filers must submit a separate application. **EXAMPLE:** If an electronic filer wins eight markets but must file a divestiture plan for only one of the markets, the electronic filer must submit two separate applications. One application would cover the seven identical markets. Schedule A of this application would list one market designator in item A2 and one market name in A5, and the application would include an Exhibit K listing the six additional market designators. A second application would cover the market requiring a divestiture plan. Schedule A would list the market designator and market name for this unique market and the application would include all of the required filings and the additional divestiture plan.

Manual Filing Instructions

Copies of the FCC Form 600 can be obtained by calling the Commission's Forms Distribution Center at 1-800-418-3676 (outside Washington, D.C.) or (202) 418-3676 (inside Washington, D.C.). Copies of the FCC Form 600 can also be obtained via the Internet and by Fax-On-Demand. If applicants have any questions concerning availability of the FCC Form 600, they should call the FCC Records Management Branch at 202-418-0210. Applicants must complete the FCC Form 600 Main Form and Schedule A and attach any exhibits. Manual filers are requested to submit a "clean" (i.e., without lines, markings, footnotes, tables, charts, etc.) original application which does not contain any information in spreadsheet format. Manual filers must mail or deliver the original application to:

**FCC
Auction Processing Section
1270 Fairfield Road
Gettysburg, PA 17325**

Applications should not be filed with the Office of the Secretary in Washington, D.C.

Microfiche copies of manually filed FCC Form 600 are required for all submissions in excess of five pages in accordance with 47 C.F.R. § 24.806(e). However, for this auction the FCC will allow for the submission of a 3.5" diskette in lieu of the microfiche. These diskettes should contain all attachments and any other supporting documentation in separate ASCII text (.TXT) file formats. When converting word processing files to ASCII text format, formatting is often lost. For example, the conversion frequently results in the deletion of text in footnotes. Manual filers should review each exhibit file to ensure that the information contained in the exhibit is complete.

Manual filers must submit a separate FCC Form 600 Main Form, Schedule 600 and required exhibit information for each market on which they are the high bidder. Failure to sign a manually filed FCC Form 600 or submit the required exhibit information will result in dismissal of the application. Only original signatures will be accepted for manually-filed applications.

FCC FORM 600: GENERAL REQUIREMENTS

In addition to completing the FCC Form 600 -- either electronically or manually -- applicants are encouraged to use the format below in submitting the information required by our rules as exhibits. Although the suggested organizational approach is discretionary, submission of the materials in the manner described below should expedite the processing of the long-form applications. Applicants bear full responsibility for submission of timely and complete long-form applications. Applicants should read the instructions on the FCC Form 600 carefully and should consult the rules to ensure that, aside from the materials described below, all the information that is required under our regulations is included with their FCC Form 600. **Incomplete or defective applications may be returned.** See 47 C.F.R. § 24.820. Each applicant is responsible for the continuing accuracy and completeness of

information furnished in a pending application. *See* 47 C.F.R. § 1.65. All amendments to the Form 600 applications, regardless of whether they were filed manually or electronically, will be required to be submitted manually for C block PCS. *See Public Notice*, "Personal Communications Service Information - Broadband: Instructions for Filing Amendments for C Block PCS" (rel. July 8, 1996). **Amendments to applications must be mailed or delivered to:**

**Office of the Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554
Attention: Broadband PCS ProceSSION Section**

An applicant that fails to submit the required long-form application by July 31, 1996, and fails to establish good cause for any late-filed submissions, shall be deemed to have defaulted and will be subject to the default payments set forth in Sections 1.2104 and 24.704 of the Commission's Rules.

Applicants should be aware that all information required by the Commission's Rules in connection with applications to participate in spectrum auctions is necessary to determine the applicants' qualifications and, as such, will be available for public inspection. Required proprietary information may be redacted, or confidentiality can be sought pursuant to Section 0.459 of the Commission's Rules, 47 C.F.R. § 0.459. Applicants requesting confidential treatment for any information required as a condition to participate in the auction must follow the procedures set out in Section 0.459 of the Commission's Rules (47 C.F.R. § 0.459). **Any such requests must be manually submitted, even if the winning bidder chooses to file electronically. If filing electronically, the winning bidder must indicate in an electronic exhibit (Exhibit I) that it has a confidentiality request on file.** Because the required information bears on the applicant's qualifications, the Commission envisions that confidentiality requests will not be routinely granted. An applicant's request for confidentiality must include a demonstration that it would suffer substantial competitive harm from the public disclosure of the confidential information.

Frivolous Pleadings

Pursuant to 47 C.F.R. § 1.52, the Commission reminds parties to our proceedings and their attorneys that the Commission intends to fully utilize its authority to discourage and deter the filing of frivolous pleadings, including petitions to deny. *See Public Notice*, "Commission Taking Tough Measures Against Frivolous Pleadings," FCC 96-42 (rel. February 9, 1996).

ORGANIZATION OF EXHIBITS

Main Form and Schedule Exhibits

The FCC Form 600 Main Form should be completed in its entirety. However, filers only need to complete items A1, A2, A3 and A5 of the Schedule A of the FCC Form 600

Main Form. On Schedule A, applicants should complete item A1 ("Purpose of Filing") by entering "A", to request an initial authorization for a new system or station. Item A2 ("Market Designator") should be completed with the BTA number of the market. Item A3 ("Channel Block") should be completed with the letter "C", for the C Block. Finally, item A5 ("Market Name") should be the market name (for electronic filers, Item A5 will be filled in automatically after Item A2 is completed). **EXAMPLE:** an applicant for the Milwaukee BTA would insert "B297" into item A2 and "Milwaukee, WI" into item A5. Applicants should ignore items A4 ("Sub-Market Designator") and A6 through A12 ("Control Points" information).

Any exhibits to be attached to an application in response to a question on the FCC Form 600 Main Form or on the Schedule A should be identified as specified in the instructions to the FCC Form 600. Please attach those exhibits immediately behind the FCC Form 600 and the Schedule A. **Electronic filers should use the attachment icons provided within the electronic filing software to submit these attachments. Where there is a question on the FCC Form 600 requiring the filing of an exhibit, electronic filers should utilize the attachment icons provided next to the response to the question.**

Rule-related Exhibits

Any exhibits to be attached to an application as a result of our rule requirements should follow any FCC Form 600 Main Form or Schedule A-related exhibits. Please order and identify these exhibits as indicated below. Also, as specified in the instructions to the FCC Form 600, each page of each exhibit must be identified with the number or letter of the exhibit, the number of the page of the exhibit, and the total number of pages of the exhibit. **Electronic filers should use the Attachment tabs for each of these exhibits. There should be a separate attachment file for each electronically-submitted exhibit. That is, electronic filers should label each ownership and eligibility exhibit (as described below) and upload it into the "Attachments" tab as a separate file.**

I. Applicant Identity and Ownership Information

Background

Section 24.813 of the Commission's rules, 47 C.F.R. § 24.813, requires each applicant to make full and complete disclosure with regard to the real party or parties-in-interest and as to all matters required to be disclosed by the application form. Section 24.813 of the Commission's rules also requires information concerning interests of five percent or more held in businesses by an officer, director, attributable stockholder or key management personnel of the applicant. Applicants should be aware that the Commission amended its rules to (1) exempt from attribution certain insulated limited partnership interests held by institutional investors; and (2) increase from five to ten percent the level at which institutional investors' PCS license ownership interests will be attributed. *See Memorandum Opinion and Order*, GN Docket No. 90-314, 10 FCC Rcd 7893 (1995). Additionally, Section 24.813(a)(2) was modified to provide that only institutional investors holding interests of ten percent or more in the applicant have to disclose their holdings in the applicant.

Also, in a separate *Order* released May 8, 1996, the Wireless Telecommunications Bureau waived the existing Section 24.813(a) disclosure requirements with respect to outside interests held by applicants or investors in businesses that are *not* land mobile services regulated as Commercial Mobile Radio Service (CMRS) and Private Mobile Radio Service (PMRS). See *Order*, Waiver of Certain Provisions of Sections 24.720 and 24.813 of the Commission's Rules, DA 96-705 (rel. May 8, 1996). See also 47 C.F.R. § 20.3 (defining CMRS and PMRS); *Second Report and Order*, GN Docket No. 93-252, 9 FCC Rcd 1411 (1994), *erratum*, Mimeo No. 92486 (rel. March 30, 1994). The Commission recently amended this rule to require disclosure only of outside interests held by applicants or investors in businesses that are regulated as CMRS and PMRS. *Report and Order*, WT Docket 96-59, FCC 96-278 (rel. June 24, 1996).

Applicants should attach the information, certified as truthful, that is required pursuant to Section 24.813(a)(1)-(4) of the Commission's Rules, 47 C.F.R. § 24.813(a)(1)-(4), concerning the identity of the applicant (*i.e.*, real party or parties-in-interest) and ownership interests held in the applicant and in investors in the applicant. Please clearly label additional pages to indicate the Exhibit and Item number (*See below*) to which those pages relate. Electronic filers should complete the "ownership worksheet" provided with the electronic filing software to accurately describe key information about direct and indirect ownership.

Ownership Exhibit A: Direct Owners

First, attach and label as "**Exhibit A: Ownership**", a document or series of documents that identifies all persons or entities that *directly* hold a five percent or more interest in the applicant (except that institutional investors only need be listed when their *direct* interest in the applicant is 10 percent or more). For each five (or ten) percent interest holder listed, applicants should provide the following information:

Item (1) Name and address: Identify the name and address of the interest holder in the applicant. If the interest holder is an individual, provide the name and address of that person, and indicate whether the interest holder is a partner, officer, director, or key manager (*e.g.*, CEO, General Manager) of the applicant. If the interest holder is a corporation, provide the name and address of the corporate office and the name and title of an officer, director or authorized contact. If the interest holder is a partnership, provide the name and address of all partners, or the name, title and address of an authorized contact for the partnership.

Item (2) Principal Business: Describe the interest holder's principal business. In particular, indicate whether its principal business gives rise to attributable interests in cellular, PCS or Specialized Mobile Radio licenses.

Item (3) Relationship to Other Interest Holder: Indicate whether the interest holder is related to any other five percent interest holder by blood or marriage, and provide the name of the related interest holder.

Item (4) Percentage Held: Specify the percentage interest held in the applicant based on any combined holdings.

Item (5) Amount Held: Specify the amount held (e.g., number of shares of stock) for each type of interest specified.

Item (6) Type of Interest Held: Indicate whether the interest held is in the form of stocks, bonds, warrants, partnership, etc. If interests are held in stock, specify the class of stock and any voting rights associated with the stock. If the interests are held in a partnership, indicate whether the interests are limited or general partnership interests.

Item (7) Held on Behalf of: If an interest is held in trust, or on behalf of another person or entity, identify the party for whom the interest is held.

Item (8) Outside Interests: List any *outside* business interests of five percent or more held by the interest holder if such interests are held in land mobile service providers (i.e., CMRS or PMRS providers). For any CMRS or PMRS businesses listed, describe their business relationship, if any, to the applicant. Institutional investors holding *direct* interests of 10 percent or more in the applicant must report outside interests of five percent or more in land mobile service providers.

Item (9) Citizenship: Indicate whether the interest holder is a U.S. citizen or U.S. corporation. If the interest holder is a partnership, indicate whether each partner is a U.S. citizen. Applicants should list all foreign partners regardless of whether they are general or limited partners, except that applicants need not list a limited partner: (1) whose level of ownership in the licensee does not exceed the level allowed by Section 310(b); and (2) who is "insulated" from the management and control of the partnership. See *Wilner and Scheiner*, 103 FCC 2d 511 (1985), *recon. granted in part*, 1 FCC Rcd 12 (1986); *First Report and Order* in GN Docket No. 93-252, 9 FCC Rcd 1056, 59 Fed. Reg. 1,285 (Jan. 10, 1994) at ¶ 9 and n. 13. See also *Memorandum Opinion and Order*, GN Docket No. 90-314, FCC 95-92 (Released March 3, 1995), 60 Fed. Reg. 13,915 (March 15, 1995) at ¶ 11. Also, if an interest holder is an alien, check your response to Items 29-33 on the main FCC Form 600. The level of alien ownership in an applicant can trigger the need to attach a separate exhibit explaining the nature and extent of alien or foreign ownership. See 47 U.S.C. § 310(b)(3)-(4). If such an exhibit is needed, attach as part of the FCC Form 600 Main Form exhibits, and as indicated in the instructions to the FCC Form 600.

Ownership Exhibit B: Indirect Owners

Second, attach and label as "**Exhibit B: Ownership**", a document or series of documents that identifies all persons or entities that *indirectly* hold a five percent or more interest in the applicant (the threshold is 10 percent for institutional investors). For each person or entity listed, provide the same information listed in *Items (1)-(10)* above as is requested for *direct* interests, including a list of business interests in other CMRS or PMRS providers as specified in *Item (9)*. In calculating the percentage of *indirect* ownership in *Item (4)*, **be sure to use a multiplier**. See *Further Order on Reconsideration*, GN Docket No. 90-314, 9 FCC Rcd 4441 (1994), *as modified in Memorandum Opinion and Order*, GN Docket No. 90-314, 10 FCC Rcd 7893 (1995), 60 Fed. Reg. 13,915 (March 15, 1995). See also 47 C.F.R. § 24.204 (d)(2)(viii). In addition, create a new *Item (10)* category -- *Intervening Interests* -- as further explained below.

Item (10) Intervening Interests: Indirect interests also can be held through intervening corporations and other entities. For each *indirect* interest holder, specify the intervening corporations or other entities from which the *indirect* five percent interest (or 10 percent if an institutional investor) in the applicant is derived.

Ownership Exhibit C

Third, attach and label as "**Exhibit C: Ownership**" a list of partners, officers, directors and key management personnel of the applicant if not otherwise listed on Ownership Exhibit A. In addition, list *outside* business interests of five percent or more held by each officer, director, or key management person if such business interests are held in land mobile service providers (*i.e.*, CMRS or PMRS providers). If any CMRS or PMRS businesses are listed, describe their business relationship, if any, to the applicant.

Ownership Exhibit D

Fourth, if the applicant is a partnership, attach and label as "**Exhibit D: Ownership**" a signed and dated copy of the partnership agreement. See 47 C.F.R. § 24.813(a)(4). Proprietary information may be redacted, or confidentiality can be sought pursuant to Section 0.459 of the Commission's Rules, 47 C.F.R. § 0.459 (see discussion of confidentiality requests under "**FCC Form 600: General Requirements**" section, above). Ancillary agreements to the partnership agreement need not be disclosed unless such disclosure is required elsewhere in our rules. Partnership agreements should be current and complete as of the application filing date.

II. C Block Auction Applicant Eligibility

Background

Section 24.709 of the Commission's rules requires each applicant to demonstrate that it is eligible to participate as a qualified entrepreneur in the C block auction, either because it qualifies under the general rule set forth in 47 C.F.R. § 24.709(a) or because it qualifies under an exception set forth in 47 C.F.R. § 24.709(b).

Entrepreneur Eligibility Exhibit E

Attach and label as "**Exhibit E: Eligibility**" a document or series of documents that certifies as truthful the gross revenues and total assets of the applicant, its affiliates, persons or entities that hold attributable interests in the applicant and their affiliates, as specified in 47 C.F.R. § 24.709(a). Identify the applicant's claimed eligibility status and provide the requisite information demonstrating such status as indicated in the following instructions.

Eligibility Under the General Rule

If applicants claimed to satisfy *eligibility under the general rule* pursuant to 47 C.F.R. § 24.709(a) as entrepreneurs, they must submit the following information:

Item (1) Identity of all affiliates: Identify the name of all affiliates of the applicant. An individual or entity is an affiliate of an applicant or of a person holding an attributable interest in an applicant if such individual or entity: (1) directly or indirectly controls or has power to control the applicant, (2) is directly or indirectly controlled by the applicant, or (3) is directly or indirectly controlled by a third party or parties that also controls or has the power to control the applicant, or (4) has an "identity in interest" with the applicant, e.g., spouse, kinship, stock ownership. See 47 C.F.R. § 24.720(l).

Item (2) Gross Revenues and Total Assets. All applicants claiming status as an entrepreneur must submit gross revenue and total assets information. First disclose separately and in the aggregate on **Gross Revenue Exhibit E** whether the applicant, together with its affiliates and persons or entities that hold attributable interest in the applicant and their affiliates, have gross revenues of less than \$125 million in each of the last two years and total assets under or equal to \$500 million at the time of the filing of the applicant's short-form application (FCC Form 175). Such an entity would measure its annual gross revenues for the calendar years 1992 and 1993, or for its two most recently completed fiscal years. See *Sixth Report and Order*, PP Docket No. 93-253, FCC 95-301, 60 Fed. Reg. 37786 (1995). Next list the name(s) of all individuals and entities listed in **Ownership Exhibits A and B** and those entities' respective gross revenues for the preceding two years and total assets as of June 14, 1996, the filing date of the applicant's Form 175. Therefore, for each applicant, affiliate, and investor with attributable interests, there should be a total of three figures -- gross revenues for years 1-2 and total assets as of June 14, 1996.

We recognize that at the time this definition of gross assets was adopted, calendar year 1994 financial statements for most firms were not available yet. If our rule's distinction between calendar years and fiscal years results in undue hardship due to a company's particular accounting practices, we will entertain waiver requests to use either a calendar-year or a fiscal-year measurement of gross revenues to determine compliance with the financial caps.

Also, in a separate *Order* released May 8, 1996, the Wireless Telecommunications Bureau waived the audited financial statements requirement of Sections 24.720(f) and 24.720(g) with respect to gross revenues and total assets. See *Order*, Waiver of Certain Provisions of Sections 24.720 and 24.813 of the Commission's Rules, DA No. 96-705 (rel. May 8, 1996). The Commission recently amended this rule to provide that when an applicant does not otherwise use audited financial statements, its gross revenues and total assets may be certified by its chief financial officer or its equivalent. *Report and Order*, WT Docket 96-59, FCC 96-278 (rel. June 24, 1996).

Publicly Traded Corporation

If applicants applied as a *publicly traded corporation with widely dispersed voting power*, they must submit the following information:

Item (1) Certified statement. Submit a certified statement that such applicant is a business entity organized under the laws of the United States: (1) whose shares, debt, or other ownership interests are traded on an organized securities exchange within the United States, (2) in which no person owns more than 15 percent of the equity, or possesses directly or indirectly, through the ownership of voting securities, by contract or otherwise, the power to control the election of more than 15 percent of the members of the board of directors or other governing body of such publicly traded corporation, and (3) over which no person other than the management and members of the board of directors or other governing body of such publicly traded corporation, in their capacities as such, has *de facto* control. See 47 C.F.R. § 24.720(m); 47 C.F.R. § 24.709(c)(1)(i)(A). *Person* shall be defined as in section 13(d) of the Securities and Exchange Act of 1934, as amended (15 U.S.C. 78(m)), and shall also include investors that are commonly controlled under the indicia of control set forth in the definition of *affiliate* pursuant to Section 24.720(l).

Item (2) Identity of all affiliates: Identify the name of all affiliates of the applicant. An individual or entity is an affiliate of an applicant or of a person holding an attributable interest in an applicant if such individual or entity: (1) directly or indirectly controls or has power to control the applicant, (2) is directly or indirectly controlled by the applicant, or (3) is directly or indirectly controlled by a third party or parties that also controls or has the power to control the applicant, or (4) has an "identity in interest" with the applicant, *e.g.*, spouse, kinship, stock ownership. See 47 C.F.R. § 24.720(l).

Item (3) Gross revenues. Compute and indicate gross revenues and total assets as per our instructions outlined in *Item (2)* of "Eligibility Under the General Rule" (above). However, the gross revenues and total assets of a person or entity that holds an interest in the applicant (or licensee), and its affiliates, shall not be considered.

Control Group Structure

If applicants applied as a ***control group structure***, they must submit the following general information:

Item (1) Identity of all affiliates. Identify the name of all affiliates of the applicant. An individual or entity is an affiliate of an applicant or of a person holding an attributable interest in an applicant if such individual or entity: (1) directly or indirectly controls or has power to control the applicant, (2) is directly or indirectly controlled by the applicant, or (3) is directly or indirectly controlled by a third party or parties that also controls or has the power to control the applicant, or (4) has an "identity in interest" with the applicant, *e.g.*, spouse, kinship, stock ownership. See 47 C.F.R. § 24.720(l).

Item (2) Identity and Status of Control Group: Identify each member of the applicant's control group, regardless of the size of each member's total interest in the applicant, and the percentage and type of interest held. In addition, identify the status of each control group member that is an institutional investor, an existing investor, and or a member of the applicant's management. See 47 C.F.R. § 24.709(c)(1)(ii)(A), (C); 47 C.F.R. § 24.720.

Item (3) Gross revenues. Compute and indicate gross revenues and total assets as per instructions outlined in *Item (2)* of "Eligibility Under the General Rule" (above). However, the gross revenues and total assets of a person or entity that holds an interest in the applicant (or licensee), and its affiliates, shall not be considered.

Item (4) Certification. Submit a certification that the applicant's sole control group member is a pre-existing entity if the applicant is making that election pursuant to Sections 47 C.F.R. § 24.709(b)(5)(ii) or (b)(6)(ii). *See also* 47 C.F.R. § 24.720.

Small Business Consortia

For those applicants that applied as *small business consortia* as defined in 47 C.F.R. § 24.720(b)(3), the following information must be submitted for each small business.

Item (1) Identity of all affiliates. Identify the name of all affiliates of the applicant. An individual or entity is an affiliate of an applicant or of a person holding an attributable interest in an applicant if such individual or entity: (1) directly or indirectly controls or has power to control the applicant, (2) is directly or indirectly controlled by the applicant, or (3) is directly or indirectly controlled by a third party or parties that also controls or has the power to control the applicant, or (4) has an "identity in interest" with the applicant, *e.g.*, spouse, kinship, stock ownership. *See* 47 C.F.R. § 24.720(l).

Item (2) Identity and Status of Control Group: Identify each member of the applicant's control group, regardless of the size of each member's total interest in the applicant, and the percentage and type of interest held. In addition, identify the status of each control group member that is an institutional investor, an existing investor, and or a member of the applicant's management. *See* 47 C.F.R. § 24.709(c)(1)(ii)(A), (C); 47 C.F.R. § 24.720.

Item (3) Gross revenues. Compute and indicate gross revenues and total assets as per our instructions outlined in *Item (2)* of "Eligibility Under the General Rule" (above). However, for applicants who applied as small business consortia, the gross revenues and total assets of each small business shall not be aggregated. That is, each small business entity comprising the small business consortia must qualify and show gross revenues and total assets separately.

Item (4) Certification. Submit a certification that the applicant's sole control group member is a pre-existing entity if the applicant is making that election pursuant to Sections 47 C.F.R. § 24.709(b)(5)(ii) or (b)(6)(ii). *See also* 47 C.F.R. § 24.720.

III. Designated Entities Information

Eligible applicants who qualify as either a small business or rural telephone company as specified in 47 C.F.R. § 24.720 are required to make the following submissions.

Designated Entities Exhibit F: Small Businesses and Rural Telephone Companies

Applicants should attach and label as "**Exhibit F: Designated Entities**" information, certified as truthful, concerning the applicant's status as a small business or rural telephone company required pursuant to 47 C.F.R. § 24.709. Applicants claiming status as a rural telephone company must certify that they meet the definition set forth in 47 C.F.R. § 24.720(e). A rural telephone company is currently defined as those local exchange carriers having 100,000 or fewer access lines, including all affiliates. Applicants should note that the Commission changed this definition to be consistent with the definition of a rural telephone company found in the Telecommunications Act of 1996. *Report and Order*, WT Docket 96-59, FCC 96-278 (rel. June 24, 1996), citing the Telecommunications Act of 1996, Pub.L.No. 104-104, §3(a)(47), 110 Stat. 56 (1996)

Applicants claiming status as a small business must compute gross revenues in accordance with 47 C.F.R. § 24.720(b)(1) to demonstrate status as a small business under our rules. A small business is an entity that, together with its affiliates and persons or entities that hold interests in such entity and their affiliates, has average annual gross revenues that are not more than \$40 million for the preceding three years. Gross revenues for each year should be separately identified and followed by the computed average total gross revenues over those years. For purposes of determining whether an entity meets \$40 million average annual gross revenues size, the gross revenues of the entity, its affiliates, persons or entities holding interests in the entity and their affiliates shall be considered on a cumulative basis and aggregated, subject to the exception set forth in Section 24.709(b). The status of the applicant as a minority-owned or women-owned business also is requested but for statistical purposes only.

IV. Joint Venture Agreements/Bidding Consortia

Agreements Exhibit G

Applicants should attach and label as "**Exhibit G: Agreements**" a detailed explanation of the terms and conditions and parties involved in any bidding consortia, joint venture, partnerships or other agreement or arrangement into which the applicant has entered relating to the competitive bidding process prior to the time the bidding was completed. To comply with this requirement, applicants can either submit the agreements themselves, or can submit a detailed description of those agreements with proprietary information excluded. If applicants choose to submit the agreements, they can redact proprietary information or can seek confidentiality for those documents pursuant to Section 0.459 of the Commission's Rules (see discussion of confidentiality requests under "**FCC Form 600: General Requirements**" section, above).

V. Certifications

Certifications Exhibit H

Applicants should attach and label as "**Exhibit H: Certifications**" a statement that certifies that the applicant is in compliance with the PCS-cellular cross-ownership limit (47 C.F.R. § 24.204) and the PCS-to-PCS spectrum cap (47 C.F.R. § 24.229(c)). Each applicant

must certify on the FCC Form 600 Main Form whether it is in compliance with the CMRS spectrum aggregation limit (47 C.F.R. § 20.6), so no additional statement is required to certify compliance with this rule. In making the certifications, applicants are reminded to consider not only ownership interests, but also any management or joint marketing agreements that are relevant to determining attribution in the applicant pursuant to Section 20.6(d)(2)(ix)-(x) of the Commission's rules. Only such agreements having the potential to significantly influence the nature or types of services offered by the applicant, the terms upon which services are offered, or the prices charged for services are attributable. *See* 47 C.F.R. § 20.6(d)(2)(ix)-(x).

VI. Confidentiality Requests

Applicants should attach and label as "**Exhibit I: Confidentiality Requests**" a statement which discloses whether the applicant has sought confidential treatment of any information pursuant to Section 0.459 of the Commission's rules (see discussion of confidentiality requests under "**FCC Form 600: General Requirements**" section, above).

VII. Agreements and Other Instruments

Applicants should attach and label as "**Exhibit J: Agreements and Other Instruments**" an exhibit listing and summarizing all agreements or other instruments (with appropriate references to specific provisions in the text of such agreements and instruments) that support the applicant's eligibility for a license for the C block and its eligibility under 47 C.F.R. §§ 24.711, 24.712, 24.714, and 24.720, including the establishment of *de facto* and *de jure* control. Such agreements and instruments include articles of incorporation and bylaws, shareholder agreements, voting or other trust agreements, partnership agreements, management agreements, joint marketing agreements, franchise agreements, and any other relevant agreements (including letters of intent), oral or written. *See* 47 C.F.R. § 24.709(c)(2)(ii); *Public Notice*, "C Block Bidders Reminded to Consider Distinctions Between Debt and Equity For Foreign Ownership and Broadband PCS Auction Rules" (rel. April 15, 1996).

Applicants must also list and summarize in Exhibit J any investor protection agreements and identify specifically any such provisions in those agreements identified pursuant to Section 24.709(c)(2)(ii) of the Commission's rules, including rights of first refusal, supermajority clauses, options, veto rights, and rights to hire and fire employees and to appoint members to boards of directors or management committees. *See* 47 C.F.R. § 24.709(c)(2)(iii).

VIII. Market Designator

Only electronic filers submitting single applications for multiple markets should attach and label as "**Exhibit K: Market Designator**" a list of the additional market designators (other than the market already listed in Schedule A) that the single application covers. This exhibit should **not** include the market name(s) associated with the market designator(s) listed in Exhibit K.

IX. Waivers/Divestiture Plans

Waivers

In the event a winning bidder wishes to file a request for waiver, all such requests should be filed with the associated application. Winning bidders filing electronically should submit waiver requests using the Waiver tab. Manual filers should attach a copy of any waiver requests at the end of their FCC Form 600. Waiver requests filed after the submission of the FCC Form 600 may result in a delay of the processing of the application. If a request for waiver is not filed with the FCC Form 600, such request must reference the associated application.

Divestiture Plans

If an applicant is unable to certify to compliance with the CMRS spectrum aggregation limit (47 C.F.R. § 20.6), the PCS-cellular cross-ownership limit (47 C.F.R. § 24.204), or the PCS-to-PCS spectrum cap (47 C.F.R. § 24.229(c)), it should attach a signed statement that describes the applicant's efforts to date and future plans to come into compliance with the rules through divestiture of prohibited properties. *See* 47 C.F.R. §§ 20.6(e)-(f), 24.204(f)(2) and 24.229(c). Applicants should note that the Commission recently modified the PCS-cellular cross-ownership rule and eliminated the PCS-PCS spectrum cap. *Report and Order*, WT Docket 96-59, FCC 96-278 (rel. June 24, 1996). The statement must indicate that sufficient properties will be divested within 90 days of license grant to meet our requirements. *See* 47 C.F.R. § 24.833. If divestiture is required, the Commission will condition grant of the application on the licensee coming into compliance with our requirements. For purposes of satisfying the above signature requirement, the typed name of either the applicant or the applicant's authorized representative will suffice. For electronic filers, all divestiture requests should be submitted utilizing the area designated for Divestiture. This area can be accessed by selecting the Divestiture tab of the electronic filing software.

For further information, contact:

News Media: Kara Palamaras at (202) 418-0654

Office of the Managing Director: Regina Dorsey at (202) 418-1995

Wireless Telecommunications Bureau, Auctions: Louis Sigalos, Sue McNeil, or Mark Bollinger at (202) 418-0660

Wireless Telecommunications Bureau, Commercial Wireless: Rita Cookmeyer, Irene Longin, or Thomas Dombrowsky at (202) 418-0620

-FCC-

Attachment A

FCC Broadband PCS C-Block Re-Auction Winning Bidders by Market

License		Pops	Market Name	High Bidder	Small Bus.		Net Price	
No.	BTA				Pref	High Bid	Net Bid	(\$/pop)
PBB008C	B008	688,612	Albuquerque, NM	Magnacom Wireless, L.L.C.	S	\$44,430,000	\$33,322,500	\$48.39
PBB036C	B036	127,780	Bellingham, WA	NextWave Personal Communications Inc.	S	\$8,197,001	\$6,147,751	\$48.11
PBB055C	B055	189,731	Bremerton, WA	Cook Inlet Western Wireless PV/SS PCS, L.P.	S	\$12,270,000	\$9,202,500	\$48.50
PBB089C	B089	409,482	Colorado Spring, CO	Mountain Solutions, Ltd., Inc.	S	\$22,893,036	\$17,169,777	\$41.93
PBB110C	B110	2,073,952	Denver, CO	NextWave Personal Communications Inc.	S	\$151,398,496	\$113,548,872	\$54.75
PBB133C	B133	282,912	Eugene, OR	Magnacom Wireless, L.L.C.	S	\$20,088,000	\$15,066,000	\$53.25
PBB149C	B149	186,136	Ft Collins, CO	Mountain Solutions, Ltd., Inc.	S	\$8,600,001	\$6,450,001	\$34.65
PBB261C	B261	85,446	Longview, WA	NextWave Personal Communications Inc.	S	\$3,808,001	\$2,856,001	\$33.42
PBB298C	B298	2,840,561	Minneapolis, MN	NextWave Personal Communications Inc.	S	\$147,709,172	\$110,781,879	\$39.00
PBB331C	B331	258,937	Olympia, WA	NextWave Personal Communications Inc.	S	\$18,405,001	\$13,803,751	\$53.31
PBB347C	B347	2,404,760	Phoenix, AZ	CH PCS, Inc.	S	\$285,077,000	\$213,807,750	\$88.91
PBB358C	B358	1,690,930	Portland, OR	NextWave Personal Communications Inc.	S	\$140,347,190	\$105,260,393	\$62.25
PBB391C	B391	243,888	St Cloud, MN	Redwood Wireless Corporation	S	\$9,101,391	\$6,826,043	\$27.99
PBB395C	B395	440,062	Salem, OR	Magnacom Wireless, L.L.C.	S	\$22,760,000	\$17,070,000	\$38.79
PBB407C	B407	174,526	Santa Fe, NM	Magnacom Wireless, L.L.C.	S	\$8,800,000	\$6,600,000	\$37.82
PBB413C	B413	2,708,949	Seattle, WA	NextWave Personal Communications Inc.	S	\$253,417,000	\$190,062,750	\$70.16
PBB447C	B447	666,880	Tucson, AZ	Magnacom Wireless, L.L.C.	S	\$48,615,000	\$36,461,250	\$54.67
PBB492C	B492	47,000	American Samoa	Westel, L.P.	S	\$227,000	\$170,250	\$3.62
		15,520,544			Total		\$904,607,467	\$58.28

ATTACHMENT A

Included as a separate file in the electronic version.

ATTACHMENT B

INSTRUCTIONS FOR DOWNLOADING AND INSTALLING THE FCC ELECTRONIC FILING/APPLICATION REVIEW SOFTWARE

Those applicants who wish to file their FCC application electronically or view other FCC applications on-line will need the following hardware and software:

Hardware Requirements:

- o CPU: Intel 80486 or above (Pentium recommended)
- o RAM: 16MB RAM (more recommended if you intend to open multiple applications)
- o Hard Disk: 18MB available disk space*
- o 1.44MB 3.5" Floppy Drive (to install the remote system)
- o Five blank MS-DOS® formatted 3.5" 1.44MB floppy disks
- o Modem: v.32bis 14.4kbps Hayes compatible modem
- o Monitor: VGA or above
- o Mouse or other pointing device

* Additional disk space may be required if a large number of applications are stored in your local database.

Software Requirements:

- o FCC Electronic Filing/Application Review Software (available through the Internet and the FCC Bulletin Board System)
- o Microsoft Windows 3.1 or Microsoft Windows for Workgroups v3.11 in an enhanced mode

Note: The FCC Electronic Filing/Application Review Software has not been tested in a Macintosh, OS/2, or Windows95 environment. Therefore, the FCC will not support operating systems other than Microsoft Windows 3.1 or Microsoft Windows for Workgroups v3.11 in an enhanced mode. This includes any other emulated Windows environment. If your Windows is in a networked environment, you should check with your local network administrator for any potential conflicts with the PPP (Point-to-Point Protocol) Dialer that is incorporated into the Electronic Filing/Application Review Software. This usually includes any TCP/IP installed network protocol.

The PPP Dialer that is incorporated into the FCC Electronic Filing/Application Review Software will establish a point-to-point connection from your PC to the FCC Network. **THIS POINT-TO-POINT CONNECTION IS NOT ROUTED THROUGH THE INTERNET.**

Applicants who wish to file their FCC applications electronically or who wish to view other applicants' applications must first download the software from either the Internet or the FCC Bulletin Board System (File Name: **ELECV3A.EXE**).

Internet Access:

In order to download the compressed file from the Internet, you will need to have access to the Internet and an ftp client software as follows:

- o **FTP:** The following instructions are for the command line version of ftp.
 1. Connect to the FCC ftp server by typing ftp ftp.fcc.gov
 2. At the user name prompt, type anonymous **[Enter]**
 3. At the password prompt, type your Internet e-mail address **[Enter]**
 4. To allow the file to be downloaded type: binary **[Enter]**
 5. Change your current directory to the Programs directory by typing:
cd /pub/Auctions/PCS/Broadband/BTA/Auction_10/Programs **[Enter]**
 6. Use the get command to download files from the FCC ftp server by typing:
get elec3a.exe **[Enter]**
 7. If you wish to exit, type:
bye **[Enter]**
- o **Gopher:** gopher.ftp.fcc.gov or use any gopher to get to "all the gophers in the world" then 'U.S.' then 'DC' then 'FCC'.
- o **World Wide Web:** ftp://ftp.fcc.gov

Once you connect to the FCC ftp server, select the following directory and download the following file:

Directory: /pub/Auctions/PCS/Broadband/BTA/Auction_10/Programs
File: **ELECV3A.EXE**

Dial-In Access to the FCC Auction Bulletin Board System (BBS):

The FCC Auction Bulletin Board System provides dial-in access for the FCC Electronic Filing/Application Review Software. In order to access the FCC Auction BBS, use a communications package that can handle at least xmodem protocol (e.g., pcAnyWhere, Telix, Procomm) to dial in to (202) 682-5851. Use the settings of 8 data bits, no parity and 1 stop bit (8,N,1).

- o **For new users follow steps 1-6, otherwise go to step 7 in the ANSI Protocol Instructions section or the Non-ANSI Protocol Instructions section (whichever is applicable):**
 1. Type New and press **[Enter]**. If the word ANSI is blinking, type Y for yes. If the word ANSI is not blinking, type N for No
 2. Type in your first and last name and press **[Enter]**. This will be your login name
 3. Type in your Telephone number and press **[Enter]**
 4. Type in your Fax number and press **[Enter]**
 5. Type in what you want your password to be and press **[Enter]**
 6. Retype the password for verification and press **[Enter]**
- o **ANSI Protocol Instructions (once the account is generated):**
 7. Type B for Broadband PCS Auction Files and press **[Enter]**
 8. Type B for Basic Trading Areas and press **[Enter]**
 9. Type B for Auction 10 and press **[Enter]**
 10. Type P for Auction 10 Programs and press **[Enter]**
 11. Type C for Current Library and press **[Enter]**
 12. Move the cursor to the file named **ELECV3A.EXE** and type **[Control]-D** (hold the Ctrl key down and press the D key) for Download and press **[Enter]**
 13. Type the letter representing the transfer protocol desired and press **[Enter]**. How the file is downloaded and where it gets downloaded depends on the transfer protocol package used.
 14. The FCC Auction BBS will begin transferring the file. You may need to give your terminal emulation software a command to receive the file; please consult your terminal emulation software manual for instructions concerning how to do so.
 15. Type X to return to the Programs menu, then type X again. Type X to Exit and press **[Enter]** and continue to do so until asked if you want to Exit the BBS. Press Y for Yes when asked to verify that you want to exit.
- o **Non-ANSI Protocol Instructions (once the account is generated):**

7. Type B for Broadband PCS Auction Files and press **[Enter]**
8. Type B for Basic Trading Areas and press **[Enter]**
9. Type B for Auction 10 and press **[Enter]**
10. Type P for Broadband PCS Auction Programs and press **[Enter]**
11. Type C for Current Library and press **[Enter]**
12. Type the letter next to the file named **ELECV3A.EXE** and press **[Enter]**
13. Type D for Download now and press **[Enter]**
14. Type the letter representing the transfer protocol desired and press **[Enter]**. How the file is downloaded and where it gets downloaded depends on the transfer protocol package used.
15. The FCC Auction BBS will begin transferring the file. You may need to give your terminal emulation software a command to receive the file; please consult your terminal emulation software manual for instructions concerning how to do so.
16. Type X, then type X to Exit and press **[Enter]** and continue to do so until asked if you want to Exit the BBS. Press Y for Yes when asked to verify that you want to exit.

Creating Installation Disks from the Downloaded File

The Electronic Filing/Application Review Software available through the Internet and the FCC Auction BBS will be in a self-extracting compressed file format. Once the compressed file has been downloaded, you will need to generate the installation disks. You will need to have five (5) blank MS-DOS® formatted 3.5" 1.44MB disks. To generate the installation disks, go to the MS-DOS® prompt, switch to the directory where you downloaded the compressed file, type **ELECV3A.EXE /!** and press **[Enter]**.

Installing the Electronic Filing/Application Review Software

To properly install the software, ALL components must be installed. After you create the installation disks, restart Windows, place Disk 1 in the floppy drive, run SETUP.EXE from installation Disk 1 and follow the instructions on the screen. Enter the destination directory (you may want to use a directory that does not currently exist). Press the Install button and, if using a directory that does not exist, click on 'Yes' when the message box appears asking

whether to create the directory. Respond 'Yes' to all message boxes that ask whether to overwrite an existing file. **YOU MUST UPDATE ALL THE EXISTING FILES.** If you should receive a message stating the commdlg.dll file or the ddeml.dll file is being used by Windows, press the Ignore button.

For technical assistance in downloading, extracting or installing the Electronic Filing/Application Review Software contact the FCC Technical Support Hotline at (202) 414-1250. The FCC Technical Support Hotline will be generally available Monday through Friday, from 9 a.m. to 6 p.m. ET.

Running the Electronic Filing/Application Review Software

When the installation process is complete, you will have a new Program Manager group called FCC Electronic Filing/Review with the following icons: Configure PPP, Electronic Filing, Application Review, Suggestion Box, and Software Readme File.

For the Electronic Filing system, the PPP Dialer will only attempt to establish a PPP connection to the FCC Network when you start the system and when you submit an electronic application to the FCC.

For the Application Review and Suggestion Box systems, the PPP Dialer will only attempt to establish a PPP connection to the FCC Network when you start the respective system.

You must verify/modify the parameters in the Configure PPP program prior to establishing a PPP connection. See the "Configure PPP" section (below) for further information concerning the connection parameters.

For technical assistance in installing or using the software, contact the FCC Technical Support Hotline at (202) 414-1250. The FCC Technical Support Hotline will be generally available Monday through Friday, from 9 a.m. to 6 p.m. ET.

Configure PPP

After installing the software, check your windows directory to ensure that the winsock.dll file is NOT there. If the winsock.dll file exists, we recommend that you rename it to winsock.oem. If you need to use previously installed PPP connection software, simply rename the winsock.oem back to winsock.dll.

Make sure that no other PPP package is in your 'Path'. This can be checked by going to the DOS prompt and typing "path". If any directory containing a PPP package does appear in the path, edit the autoexec.bat file to remove the reference to that directory, save, and reboot the computer. If you later need to use that PPP package, reinsert the reference to its directory, save and reboot.

Before establishing a PPP connection, you must first run the Configure PPP program, adjust the appropriate configuration settings and click on the OK button. Even if you make no settings modifications, you MUST at least start Configure PPP and click on OK.

To start the Configure PPP program, double-click on the icon labeled "Configure PPP". The communications setup window will appear.

Under the box labeled "Modem", select the com port to which your modem is connected.

Under the box labeled "Speed", select the maximum DTE rate of your modem; for 14.4kbps and 28.8kbps modems, select a speed of 38400.

In most cases, carrier detect should not be checked and flow control should be checked. If you experience problems getting the modem to respond, experimenting with these settings may help.

The DNS should be set to 165.135.22.249

The remainder of the screen has default values which should provide you with the optimal performance available.

Click on the Script button to bring up the Script Setup screen. This screen provides you with the ability to give specific commands to the modem.

Click on the box labeled "Selected Modem" and choose the entry from the list which most closely matches the modem installed on your PC.

It may be necessary to change the command in the box labeled "Modem Dial Prefix" to accommodate how you make calls.

For example:

local 202 area code, no dialing prefix used: ATDT

local 202 area code, dialing prefix of 9 used: ATDT9

long distance or 900 service, no dialing prefix used: ATDT1

long distance or 900 service, dialing prefix of 9 used: ATDT91

turn off call waiting, long distance or 900 service, no dialing prefix used: ATDT*70,1

The default settings provided in Configure PPP should be compatible with most systems. If you experience problems connecting to the FCC Network, refer to the Troubleshooting section for possible solutions.

When you have finished using the Configure PPP program, click on the OK button. The first time you do this, you will receive a message stating "Windows will now restart so your changes will take effect." Press the OK button and restart Windows. After Windows restarts, you may start the Electronic Filing system, the Application Review system, or the Suggestion Box system.

Connecting to the FCC Network

If you are interested in electronically submitting an FCC application, double-click on the Electronic Filing icon in the FCC Electronic Filing/Review program group. A screen will appear allowing you to connect to the FCC Network in one of three ways: via the local 202 area code service (if dialing from the Washington D.C./metropolitan area) with no additional access charge, via the regular long-distance service (if dialing from outside the Washington D.C./metropolitan area) with no additional access charge, or via the 900 number toll-call service at a cost of \$2.30 per minute. If you choose the 900 service or regular long-distance, be sure to add a 1 to the "Modem Prefix" box in Configure PPP before establishing the connection.

Click on the appropriate dial option, then click on OK to proceed or Cancel to terminate the call. For the 900 service option, a screen will appear warning you that you are about to make a 900 toll data connection. Click on OK to proceed or Cancel to terminate the call.

For the Electronic Filing system, the PPP Dialer will only attempt to establish a PPP connection to the FCC Network when you start the system and when you attempt to submit an FCC application.

If you are interested in viewing or printing other applicants' FCC applications, double-click on the Application Review icon in the FCC Electronic Filing/Review program group. The PPP Dialer will automatically connect to the FCC Network via the 900 number toll-call service at a cost of \$2.30 per minute. A screen will appear warning you that you are about to make a 900 toll data connection. Be sure to add a 1 to the "Modem Prefix" box in Configure PPP before establishing the connection. Click on OK to proceed or Cancel to terminate the call.

For the Application Review system, the PPP Dialer will only attempt to establish a PPP connection to the FCC Network when you start the system.

If you are interested in submitting a suggestion to the FCC, double-click on the Suggestion Box icon in the FCC Electronic Filing program group. The PPP Dialer will automatically connect to the FCC Network via the 900 number toll-call service at a cost of \$2.30 per minute. A screen will appear warning you that you are about to make a 900 toll data connection. Be sure to add a 1 to the "Modem Prefix" box in Configure PPP before establishing the connection. Click on OK to proceed or Cancel to terminate the call.

For the Suggestion Box system, the PPP Dialer will only attempt to establish a PPP connection to the FCC Network when you start the system.

If your telephone system blocks access to 900 numbers, you may be unable to properly connect to the FCC Network. Please see your telephone administrator for assistance.

Whenever the PPP Dialer establishes a connection, you will gain access to the PPP Dial Up screen. You may switch to the PPP Dial Up screen by pressing [Ctrl]-ESC and

double-clicking on PPP Dial Up in the Task List. The screen will display the current status of the PPP connection.

To refresh the status of the PPP connection, select the Dial | Refresh Status menu option.

Select the Window | Minimize menu option to minimize the PPP Dial Up screen.

If you would like to test the status of the PPP connection, select the Dial | Test Connection menu option. This option allows you to ping the FCC Network. The ping process sends a signal(s) to the FCC Network; if the signal(s) return, then you have established a good connection.

The Hostname box will display 165.135.22.249

Under the Number menu option, choose the number of pings you wish to send (one, continuous, or a user-specified number). Under the Specifications menu option, you can customize the type of request (e.g., icmp echo request), the interval between pings, and the timeout setting; the default settings should suffice. If you change any of the settings and would like to save them, select the File | Save Settings menu option.

Press the Start button. The status and packets boxes will display information concerning whether the ping(s) was returned. Press the Stop button, if necessary, to end the ping process. Click on the Exit button to exit the Ping program.

The PPP Dialer will automatically disconnect when all the FCC systems (e.g., the Electronic Filing system, the Application Review system, and the Suggestion Box system) are closed. It will also automatically disconnect after the FCC Application submission process is complete.

Troubleshooting

Below are problems you may encounter and possible solutions for resolving/isolating these problems.

*Modem does not respond

- Check COM port setting
- Check your modem for IRQ conflicts
- Check the physical connections
- Change Carrier Detect
- Change Flow Control

*Modem connects but does not return an IP address

- Verify the DNS is set to 165.135.22.249
- Verify the MRU and MTU are set to 1500
- Turn off VJ Compression
- Change timeout to 15 (this is found on the Script Setup screen in Configure PPP)
- Check your modem IRQ for conflicts

Unload network drivers

*SQLSERVER errors

Turn off VJ Compression

Unload network drivers

Test the PPP connection with the Ping program

DETAILED INSTRUCTIONS FOR USING ALL FCC REMOTE ELECTRONIC SOFTWARE CAN BE FOUND IN THE README FILE ASSOCIATED WITH THE ELECTRONIC SOFTWARE AS WELL AS IN THE CONTEXT SENSITIVE HELP FUNCTION ASSOCIATED WITH EACH SOFTWARE SYSTEM.