



PUBLIC NOTICE

**FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET, N.W.
WASHINGTON, D.C. 20554**

News media information (202) 418-0500. Recorded listing of releases and texts (202) 418-2222.

DA 96-2162
December 20, 1996

AUCTION OF CELLULAR UNSERVED AREA LICENSES (Auction No. 12)

Status of Applications to Participate in Auction

Report No. AUC-96-12-C (Auction No. 12)

The Federal Communications Commission (FCC) has received 30 timely-filed FCC Form 175 applications to participate in Auction No. 12, scheduled to begin on Monday, January 13, 1997. As explained below, the applications have been reviewed for completeness and compliance with the Commission's rules, and have been classified into the following categories:

- **ACCEPTED FOR FILING 24 APPLICATIONS**
- **INCOMPLETE 6 APPLICATIONS**

Applications classified as accepted for filing are listed alphabetically in Attachment A. They need take no further action with respect to their applications except as may be necessary to keep their applications up to date. See 47 C.F.R. §§ 1.65 and 1.2106.

Applications classified as incomplete are listed alphabetically in Attachment B. These applications will become acceptable for filing only if they are resubmitted by 5:30 p.m. ET on Friday, January 3, 1997, to correct the minor deficiencies indicated. Applicants must also keep their applications up to date as required. See 47 C.F.R. §§ 1.65 and 1.2106.

RESUBMISSION FILING DEADLINE

Corrected FCC Form 175 applications must be filed no later than 5:30 p.m. ET on Friday, January 3, 1997. This will be the only opportunity to cure FCC Form 175 defects, and late resubmissions will not be accepted.

As described more fully in the Commission's rules, applicants may make only minor corrections to their FCC Form 175; major modifications (*e.g.*, changing the market selection, changing control of the applicant, changing the certifying official or signing a manual application) will not be accepted. See 47 C.F.R. § 1.2105.

Applicants who filed their FCC Form 175 applications electronically must resubmit their corrected applications electronically. Applicants who filed their FCC Form 175 applications manually may resubmit their corrected applications either manually or electronically, but must resubmit electronically if they wish to bid electronically.

Manual Resubmission:

Manual resubmissions, whether mailed, hand delivered or sent by private courier, must be delivered to:

FCC Form 175 Filing, Auction No. 12
Federal Communications Commission
Office of Operations
1270 Fairfield Road
Gettysburg PA 17325-7245

NOTE: Manual resubmissions delivered to any other location or received after the deadline will not be considered properly filed, and will be returned without consideration.

Manual resubmissions must consist of a new FCC Form 175, complete in all respects including exhibits, correcting the identified deficiencies and signed with an original signature and microfiche or 3.5-inch diskette attachments, if applicable.

Electronic Resubmission of Manual Applications:

Manual filers may resubmit their corrected FCC Form 175 applications electronically, either to correct deficiencies or in order to become eligible to bid electronically. In either case, however, manual filers must first obtain a password that will let them access and amend their applications on-line. To do so, either the certifying official or one of the authorized representatives (as shown on the FCC Form 175) **MUST APPEAR IN PERSON** during normal business hours at the FCC Auction Headquarters, 2 Massachusetts Avenue, N.E., Washington, D.C., with two forms of identification, one of which must include a photograph. See Attachment B of the Public Notice "FCC Issues Procedures, Terms and Conditions for January 13, 1997 Auction of Cellular Unserved Phase I and Phase II Service Areas" for information about the FCC Form 175 filing software.¹

¹ See FCC Issues Procedures, Terms and Conditions for January 13, 1997 Auction of Cellular Unserved Phase I and Phase II Service Areas, *Public Notice*, DA 96-1850 (rel. Nov. 8, 1996) (*Auction Public Notice*).

OTHER IMPORTANT INFORMATION

- **Qualified bidders/Upfront payment status** The Bureau will release a public notice following the January 3, 1997 resubmission deadline announcing all qualified bidders and bidding instructions. This public notice will also provide information regarding upfront payment status and refund procedures.
- **No Mutual Exclusivity:** In the event that at the end of the resubmission deadline there is only one application that is acceptable for filing for a particular license and thus there is no mutual exclusivity, the Wireless Telecommunications Bureau will withdraw that license from the auction. The Wireless Telecommunications Bureau will issue a subsequent public notice regarding the filing of long-form applications by the sole applicants.
- **Anti-collusion rule:** As of the December 16, 1996 short-form filing deadline, applicants are generally prohibited from communicating with other applicants for the same MSAs or RSAs—even for different licenses in the same MSA or RSA (*e.g.*, A and B in the same MSA or RSA)—regarding bids, bidding strategies or settlements. There is an exception, however, where applicants entered into a bidding agreement before the December 16 short-form filing deadline and disclosed the existence of the agreement in the short-form application. In addition, applicants are reminded that they are subject to the antitrust laws, which are designed to prevent anti-competitive behavior in the marketplace such as bid rigging, price fixing and splitting markets. Winning bidders will be required to disclose in their long-form applications (FCC Form 600) the specific terms, conditions and parties involved in all bidding consortia, joint ventures, partnerships and other arrangements entered into relating to the competitive bidding process. Bidders found to have violated the anti-collusion rule may be subject to sanctions. Any potential antitrust violations will also be enforced. See 47 C.F.R. §§ 1.2105(c), 1.2107(d) and 1.2109(d).
- **Ex parte rule:** Applicants should also be aware that the Commission has generally exempted auction proceedings from the strict requirements of the *ex parte* rule (47 C.F.R. § 1.1208).²
- **Mock auction:** Likewise, all applicants whose short-form applications have been accepted for filing are eligible to participate in a mock electronic auction beginning on Thursday, January 9, 1997. When software for the mock auction is posted for downloading, its availability will be announced by public notice available on-line.
- **Remote bidding software** Applicants are reminded that qualified bidders who filed (or amend) their short-form applications electronically are eligible to bid either electronically or telephonically, whereas manual filers may bid only by telephone. To ensure timely delivery of remote bidding software before the auction begins, the Commission must receive software

² See "Commission Announces that Mutually Exclusive 'Short-Form' Applications (Form 175) to Participate in Competitive Bidding Process ('Auctions') Are Treated as Exempt for Ex Parte Purposes," *Public Notice*, 9 FCC Rcd 6760 (1994).

orders by 11:59 p.m. ET on Friday, January 3, 1997. An order form is included in Attachment E of the Public Notice "FCC Issues Procedures, Terms and Conditions for January 13, 1997 Auction of Cellular Unserved Phase I and Phase II Service Areas."³

For additional information regarding this public notice, please contact Lisa Minard or Thomas Horan, Auctions Division, Wireless Telecommunications Bureau, at 202-418-0660.

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³ *Auction Public Notice, supra* note 2, at Attachment E.

**FCC Cellular Unserved Auction
Form 175 Accepted List (Initial)
Auction ID: 12**

FCC Account #	Name	Licenses	Waiver Requested
0521316781	AT&T Wireless Services Of Colorado, Inc.	R352-A	N
0503566308	Alan Erickson/Zeta Trust Partnership	R386-A	N
5407747106	Alison C. Pollard/Zeta Trust Partnership	R393-B	N
0841118724	Badlands Cellular of North Dakota Limited Partners	R634-B	N
0911222427	Coconino Arizona RSA Limited Partnership	R319-B	N
9419565656	Constance L. Pollard/ETA Trust Partnership	R341-B	N
3178448846	Donald H. Pollard, Jr./ETA Trust Partnership	R546-A	N
9419569113	Donald H. Pollard, Sr./Zeta Trust Partnership	R607-B	N
9419569018	Donald H. Pollard, Sr./Zeta Trust Partnership	R677-B	N
0830198592	Dubois Telephone Exchange, Inc.	R720-A	N
0541616864	First Cellular of Maryland Inc.	M269-A	N
0224802472	Gary Ludi/Epsilon Trust Partnership	R341-B	N
0222900883	METACOMM CELLULAR PARTNERS	R530-A R718-A	N
5407767653	Meredith P. Spruill/Iota Trust Partnership	R319-B	N
0841161886	N.E. Colorado Cellular, Inc.	R352-A R534-A R540-A	N
0391680703	Oregon RSA #3 Limited Partnership	R608-B	N
0503746422	Phyllis Hart/Eta trust Partnership	R344-B	N
0931221058	Port Services Company	R608-B	N
3132612871	SHAILESH PATEL/THETA TRUST PARTNERSHIP	R554-A	N
0363717988	Texas #20 Rural Cellular, Inc.	R669-A	N
0943167064	Triad Cellular L.P.	R554-A	N
0911686827	Western Wireless Corporation	R352-A R530-A R534-A R540-A R546-A R669-A R718-A R715-A R720-A	N
5407748129	William E. Spruill, Jr./Theta Trust Partnership	R336-B	N
0841120933	Wyoming 1 - Park Limited Partnership	R718-B	N

**FCC Cellular Unserved Auction
Form 175 Incomplete List (Initial)
Auction ID: 12**

FCC Account #	Name	Error Description	Waiver Requested
2058034684	Berry, Walter E. / Eta Trust Partnership	Invalid Attachments	N
0195443971	Christel Anderson/CHI Trust Partnership	Missing Fax Number	N
0195443971	Christel Anderson/CHI Trust Partnership	Invalid Attachments	N
232516399	Cumberland Cellular Partnership	Missing Applicant Status	N
232516399	Cumberland Cellular Partnership	Missing/Invalid FCC Account Number	N
0521564931	Roy Burley/Epsilon Trust Partnership	Missing Fax Number	N
0275402046	TED M. PETERS/EPSILON TRUST PARTNERSHIP	Missing Fax Number	N
0261549375	Thomas Hagar/Alpha Trust Partnership	Invalid Attachments	N
0261549375	Thomas Hagar/Alpha Trust Partnership	Only One Classification Allowed	N