



Federal Communications Commission  
Washington, D.C. 20554  
December 13, 2001

DA 01-2884

**Via certified mail, return receipt requested**

Mr. Vincent D. McBride  
2655 30th Street, Suite 203  
Santa Monica, CA 90405

**Re: Refunds For Auction No. 22**

Dear Mr. McBride:

As a participant in Auction No. 22, you withdrew a high bid on license BTA221C, Juneau, Alaska in that auction.<sup>1</sup> Auction No. 35, the subsequent auction for the license on which you withdrew a high bid in Auction No. 22, has closed.<sup>2</sup> Therefore, in accordance with the Commission's rules, we are now able to determine that no withdrawal payment is owed and calculate the appropriate refund, as described below.

Under the Commission's Rules, a bidder that withdraws a high bid during the course of an auction is subject to a bid withdrawal payment equal to the difference between the amount of the withdrawn bid and the amount of the subsequent winning bid.<sup>3</sup> If a high bid is withdrawn on a license that remains unsold at the close of the auction, the withdrawing bidder will be required to make an interim payment equal to three percent (3%) of the net amount of the withdrawn bid.<sup>4</sup> This payment amount is deducted from any up-front payments or down payments deposited for this bidder's account with the Commission.<sup>5</sup> If, in a subsequent auction, that license receives a winning bid in an amount equal to or greater than the withdrawn bid amount, then no final bid withdrawal payment will be assessed, and upon appropriate request, the Commission will refund the interim three percent (3%) payment.<sup>6</sup> If in a subsequent auction, the winning bid for that license is less than the bidder's withdrawn bid amount, then the bidder will be required to make a final bid withdrawal payment equal to either the difference between the bidder's net withdrawn bid and the subsequent net winning bid, or the difference between the bidder's gross withdrawn bid and the subsequent gross winning bid, whichever is less.<sup>7</sup>

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<sup>1</sup> C, D, E, And F Block Broadband PCS License Auction Closes, Report No. AUC-22-K (Auction No. 22), *Public Notice*, 14 FCC Rcd. 6688 (1999) ("*Auction No. 22 Winning Bidders Public Notice*").

<sup>2</sup> C and F Block Broadband PCS Auction Closes; Winning Bidders Announced; Down Payments Due February 12, 2001, FCC Forms 601 and 602 Due February 12, 2001; Ten-Day Petition to Deny Period, *Public Notice*, 16 FCC Rcd. 2339 (2001) ("*Auction No. 35 Winning Bidders Public Notice*").

<sup>3</sup> 47 C.F.R. § 1.2104(g)(1) (1998).

<sup>4</sup> 47 C.F.R. § 1.2104(g)(1); *Auction No. 22 Winning Bidders' Public Notice*, 14 FCC Rcd. 6688 (1999), at Attachment C. This attachment identifies bidders that withdrew bids in Auction No. 22 and states the interim three percent bid withdrawal payment.

<sup>5</sup> See 47 C.F.R. § 1.2106(e) (1998); *Auction No. 22 Winning Bidders' Public Notice*, 14 FCC Rcd. 6688 (1999), at Attachment C.

<sup>6</sup> 47 C.F.R. § 1.2104(g)(1) (1998).

<sup>7</sup> *Id.*

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December 13, 2001

With respect to your bid withdrawal in Auction No. 22, the Commission has previously deducted an interim withdrawal payment of \$700.00 from the funds on deposit with the Commission.<sup>8</sup> As shown in Attachment A, the net winning bid amount, \$668,750.00, in the subsequent auction of license BTA221C was greater than your net withdrawn bid amount, \$23,348.<sup>9</sup> Therefore, in accordance with Section 1.2104 of the Commission's rules, the Commission is prepared to refund to the payor(s) of record, the \$700.00 withheld in connection with license BTA221C. To obtain a refund, the payor(s) of record<sup>10</sup> must submit a request(s) in accordance with the instructions set forth in Attachment B.

If you have additional questions or require further information, please contact Christopher M. Shields in the Auctions and Industry Analysis Division at (202) 418-0660.

Sincerely,

Margaret W. Wiener, Chief  
Auctions and Industry Analysis Division  
Wireless Telecommunications Bureau

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<sup>8</sup> See *Auction No. 22 Winning Bidders' Public Notice*, 14 FCC Rcd. 6688 (1999), at Attachment C. In Attachment C, the Commission set forth the amount of Mr. McBride's interim bid withdrawal payment, \$700.00, and explained that the interim bid withdrawal payment was based on three percent (3%) of the net withdrawn bid on license BTA221C ( $\$23,348 \times 3\% = \$700.44$ ).

<sup>9</sup> See Attachment A to this letter (calculates the refund). We note that the spectrum associated with the license formerly listed in Auction No. 22 as BTA221C was reconfigured into three licenses (CWB221C3, CWB221C4, CWB221C5) in Auction No. 35.

<sup>10</sup> See *Entertainment Unlimited, Inc., Request for Refund of Late Payment Fees for PCS Licenses Purchased in Auction No. 22, Memorandum Opinion and Order*, 16 FCC Rcd. 10,030 (2001) (noting that the Commission does not accept instructions regarding the refund of excess upfront payments from entities or individuals other than the payor of record).

**ATTACHMENT A**

**C, D, E, and F Block Broadband PCS License Auction  
Multi-Auction Refund Report**

| <b>License Number</b> | <b>Market Description</b> | <b>Net Bid Amount (Auction 35)</b> | <b>McBride's Withdrawn Gross Bid Amount (Auction 22)</b> | <b>McBride's Withdrawn Net Bid Amount (Auction 33)</b> | <b>McBride's Interim Withdrawal Payment (3% of withdrawn net bid)</b> | <b>McBride's Final Withdrawal Payment</b> | <b>Refund Amount Due</b> |
|-----------------------|---------------------------|------------------------------------|--|--|---|---|--------------------------|
| BTA221C               | Juneau, Ak                | \$668,750.00 <sup>11</sup>         | \$31,131.00  | \$23,348.00  | \$700.00  | -0-                                       | \$700.00                 |

<sup>11</sup> The spectrum associated with the license formerly listed in Auction No. 22 as BTA221C was reconfigured into three licenses (CWB221C3, CWB221C4, CWB221C5) in Auction No. 35. The net bid amounts on these licenses were \$213,000, \$257,000, and \$198,750, respectively.

*Vincent D. McBride*  
*December 13, 2001*

## **ATTACHMENT B**

### **REQUESTING REFUND INSTRUCTIONS**

In order to process refund requests, the FCC must receive wire transfer instructions that include the following information:

Name and Address of Bank  
ABA Number  
Contact and Phone Number  
Account Number to Credit  
Name of Account Holder  
Correspondent Bank (if applicable)  
ABA Number  
Account Number

Please include your Taxpayer Identification Number (TIN) and a copy of this letter. This information should be sent to the Auctions Accounting Group:

Federal Communications Commission  
Auctions Accounting Group  
Attn: Michelle Bennett or Gail Glasser  
445 12<sup>th</sup> Street, SW, Room 1-A843  
Washington, DC 20554

Requests can also be faxed to the Auctions Accounting Group at (202) 418-2843.