



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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WIRELESS TELECOMMUNICATIONS BUREAU MODIFIES EX PARTE PROCEDURES FOR ISSUES RELATED TO DEPOSITS BY AUCTION NO. 35 WINNING BIDDERS

Auction Event No. 35

By this Public Notice, the Wireless Telecommunications Bureau (“Bureau”) modifies ex parte procedures with respect to issues related to down payments made by Auction No. 35 winners for applications that remain pending and that would otherwise be deemed restricted proceedings under the ex parte rules. Although only two winning bidders from Auction No. 35 have formally requested refunds of their down payments,¹ the Bureau has received inquiries about the potential for such refunds and the ex parte status of this issue.

Pursuant to 47 C.F.R. § 1.1200(a), the Commission may adopt modified ex parte procedures in particular proceedings if the public interest so requires. Accordingly, for issues related solely to the refund of deposits for licenses for which applications remain pending, each applicant will be permitted to make presentations pertaining to its own application, but no one will be permitted to make ex parte presentations concerning another’s application.²

For further information, please contact the Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Leora Hochstein, Deputy Branch Chief, Legal Branch, at (202) 418-0660.

¹ See letter from Vincent D. McBride and Scott D. Reiter to Michael K. Powell, Chairman, Federal Communications Commission (“FCC”) (Aug. 25, 2001); letter from Scott D. Reiter and Vincent D. McBride to Michael K. Powell, Chairman, FCC (July 16, 2001); letter from Vincent D. McBride and Scott D. Reiter to Michael K. Powell, Chairman, FCC (July 9, 2001).

² See 47 C.F.R. § 1.1208 Note 1 and Example.