



# PUBLIC NOTICE

Federal Communications Commission  
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Washington, D.C. 20554

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DA 02-157  
January 22, 2002

## MULTI-RADIO SERVICE AUCTION CLOSES Winning Bidders Announced

Down Payments Due February 5, 2002  
FCC Forms 601 and 602 Due February 5, 2002  
*Ten-Day Petition to Deny Period*

### Report No. AUC-02-43-F (Auction No. 43)

On January 17, 2002, the Federal Communications Commission completed the auction of 4 licenses in the Phase II 220 MHz Service and 23 licenses in the 800 MHz SMR Service General Category Frequencies ("Auction No. 43"), raising (in net high bids) a total of \$1,548,225 for the U.S. Treasury. Three winning bidders won a total of 27 licenses in this auction.

This *Public Notice* provides detailed information concerning winning bidders, down payments, bid withdrawal payments and/or deposits, FCC Forms 601 and 602 filing requirements, requests for rule waivers, and licensing matters. Key information appears in the following attachments:

- Attachment A:** "Round Results, High Bids" lists winning bidders, and both the gross and net high winning bid amounts.
- Attachment B:** "Bidder Payment/Refund Report" lists down payments and withdrawal bid payments owed by winning bidders, if any.
- Attachment C:** "Default Payment Report" contains total default payments based upon reconciliation of final results of Auction No. 24 and Auction No. 43.
- Attachment D:** "Multi-Auction Withdrawal Payment Report" lists amount(s) or refund(s) due for bidders in Auction No. 24 and Auction No. 34 based upon reconciliation of final results of Auction No. 43.
- Attachment E:** "Instructions for Completing FCC Form 601 for Multi-Radio Service License Applicants" provides detailed information about how a winning bidder should complete the required FCC Form 601 and FCC Form 602 for 220 MHz and 800 MHz SMR license applications.

**Attachment F:** “Instructions for Using ULS to Register FRN and Call Signs With FCC and File FCC Form 601 Electronically.”

**Attachment G:** “Accessing the FCC Network using Windows 95/98 for Universal Licensing System Filing.”

A copy of this *Public Notice* will be sent via overnight mail to each winning bidder.

#### **A. Down Payments**

The Commission’s rules require that within ten business days after the release of this *Public Notice*, in this case before **6:00 p.m. ET on February 5, 2002**, winning bidders in Auction No. 43 must have on deposit with Mellon Bank in Pittsburgh, Pennsylvania, enough funds to cover 1) down payments on winning bids, and 2) payments for withdrawn bids, if applicable. If a winning bidder’s upfront payment is not sufficient to meet both of these requirements, the winning bidder must deposit additional funds.<sup>1</sup>

The amount now due from each winning bidder, if any, is set out in the last column of **Attachment B**. *Note that a payment and FCC Form 159 are necessary only if a winning bidder’s upfront payment **does not** cover the required total of down payments and withdrawn bid payments (as reflected in Attachment B).* Each winning bidder’s down payment must be a total of any withdrawal payments (if applicable) plus twenty (20) percent of its net winning bid(s).

#### **B. Final Payments**

After the termination of the licensing pleading cycle (*see* 47 C.F.R. § 1.2108), the Commission will issue a public notice announcing that it is prepared to grant the licenses. Within ten business days after the date of that public notice, winning bidders will be required to make full payment of the balance of their winning bids. *See* 47 C.F.R. §§ 1.2107(b), 1.2109. Licenses will be granted only after the full and timely payment of winning bids and any applicable late fees, in accordance with Section 1.2109(a). *See* 47 C.F.R. §1.2109(a).

#### **C. Method of Payment**

All payments must be in U.S. dollars and made in the form of a wire transfer. No personal checks, credit card payments, or other forms of payment will be accepted. All payments must be accompanied by a completed FCC Remittance Advice Form (FCC Form 159).<sup>2</sup> If applicable, a partially completed copy of the FCC Form 159 will be sent along with this *Public Notice* to facilitate submission of the correct down payment. Questions regarding FCC Form 159 should be addressed to Tim Dates or Gail Glasser at 202-418-1995. **Please note, however, that winning bidders are ultimately responsible for insuring the verification and submission of the correct down payment from their bank to Mellon Bank.**

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<sup>1</sup> *See* 47 C.F.R. §§ 1.2104(g),1.2107(b). In the event a bidder has withdrawn a bid(s) and is subject to a bid withdrawal payment(s), the bidder’s upfront payment will be first applied to satisfy the withdrawal payment(s) before being applied toward its down payment.

<sup>2</sup> 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 (in the Washington D.C. area). Copies of the FCC Form 159 can also be obtained via the Internet (<http://www.fcc.gov/formpage.html>) or by Fax-On-Demand (202-418-2830).

**Wire transfers for down payments** must be **received** by Mellon Bank by **6:00 p.m. ET, on February 5, 2002**. Winning bidders should coordinate with their bankers ahead of time regarding their wire transfers, and allow sufficient time for the wire transfer to **be initiated and completed prior to the deadline**.

To submit funds by wire transfer, winning bidders will need the following information:

ABA Routing Number: 043000261  
Receiving Bank: Mellon Pittsburgh  
BNF: FCC Account Number 910-6106  
OBI Field: (Skip one space between each information item) "AUCTIONPAY"  
TAXPAYER IDENTIFICATION NO.: (same as FCC Form 159, Block 12)  
PAYMENT TYPE CODE: (enter "A43D")  
FCC CODE 1: (same as FCC Form 159, Block 28A: "43")  
PAYOR NAME: (same as FCC Form 159, Block 2)  
LOCKBOX NO.: 358850

Winning bidders must fax a completed FCC Form 159 to Mellon Bank at 412-209-6045 at least one hour before placing the order for the wire transfer (but on the same business day).

Proper completion of the FCC Form 159 is critical to ensuring correct credit of bidder deposits. **Winning bidders must use the same Taxpayer Identification Number (TIN) / FCC Registration Number (FRN) used on their FCC Form 175.**<sup>3</sup> Questions concerning the calculation and submission of down payments should be directed to Gail Glasser at 202-418-1995.

#### **D. Withdrawal, Default and Disqualification Payments**

The Commission imposes payments on bidders that withdraw high bids during the course of an auction, those that default on payments due after an auction closes, or those that are disqualified. *See* 47 C.F.R. §§ 1.2104(g), 1.2109.

*1. Bid Withdrawal Payments.* A bidder (Bidder X) 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 withdrawn and the amount of the subsequent winning bid. No withdrawal payment will be assessed for a withdrawn bid if either the subsequent winning bid or any of the intervening subsequent withdrawn bids equals or exceeds that withdrawn bid. If a high bid is withdrawn on a license that remains unsold at the close of the auction, Bidder X will be required to make an interim payment equal to three (3) percent of the net amount of the withdrawn bid.<sup>4</sup> This payment amount is deducted from any upfront payments or

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<sup>3</sup> If, subsequent to final submission of its FCC Form 175, a bidder has provided the Commission with a written correction of its Taxpayer Identification Number, the bidder should use the corrected number.

<sup>4</sup> 47 C.F.R. § 1.2104(g)(1); Amendment of Part 1 of the Commission's Rules – Competitive Bidding Procedures, WT Docket No. 97-82, *Order on Reconsideration of the Third Report and Order, Fifth Report and Order, and Fourth Further Notice of Proposed Rule Making*, 15 FCC Rcd 15293, 15301-02 (2000); *see* Implementation of Section 309(j) of the Communications Act – Competitive Bidding, PP Docket No. 93-253, *Fifth Report and Order*, 9 FCC Rcd 5532, 5563 n.51 (1994); *see also* Phase II 220 MHz Service Auction Closes,

down payments that Bidder X has deposited with the Commission. If, in a subsequent auction, that license receives a valid 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 (3) percent payment. If, in a subsequent auction, the winning bid amount for that license is less than Bidder X's withdrawn bid amount, then Bidder X will be required to make a final bid withdrawal payment equal to either the difference between Bidder X's net withdrawn bid and the subsequent net winning bid, or the difference between Bidder X's gross withdrawn bid and the subsequent gross winning bid, whichever is less. The three (3) percent interim payment will be applied toward the withdrawal payment.

Now that Auction No. 43 is complete, we are in a position to calculate and assess final bid withdrawal payments owed as a result of withdrawals on licenses in Auction No. 24 and No. 34. These final bid withdrawal payments are identified in **Attachment D**. Any upfront payments or down payments that the withdrawing bidder has deposited with the Commission will first be applied to satisfy the withdrawal payment(s) amount before being applied towards a winning bidder's down payment. *See* 47 C.F.R. 1.2104(g)(1). Forthcoming orders will assess such payments.

2. *Bid Default/Disqualification Payments.* If a high bidder defaults or is disqualified after the close of the auction, the defaulting bidder will be subject to the same bid withdrawal payment obligations as described above, plus an additional payment equal to three (3) percent of the subsequent winning bid or three (3) percent of the defaulted bid, whichever is less. Where a bidding credit applies to the winning bid in either the original or the subsequent auction, the calculation of the three percent payment is based on the smaller of the two gross bids or smaller of the two net bids, whichever basis (gross or net) was used to figure the first component. Thus, if the difference between the gross bids is less than the difference between the net bids, the three percent payment will be computed on the lower of the gross bids. If the difference between the net bids is less than or equal to the difference between the gross bids, the three percent payment will be computed on the lower of the net bids. However, if both the difference between the gross bids and the difference between the net bids are less than or equal to zero, the three percent payment will be computed on the lower of the net bids.

If a winning bidder fails to remit the required down payment within ten (10) business days after the Commission has released this *Public Notice*, in this case by February 5, 2002, the bidder will be deemed to have defaulted, its application will be dismissed, and it will be liable for a default payment as described above. In such event, the Commission, at its discretion, may either auction the spectrum to existing or new applicants, or offer it to the other highest bidders (in descending order) at their final bids. *See* 47 C.F.R. § 1.2109(b).

If a winning bidder fails to pay the balance of its winning bids in a lump sum by the applicable deadline as specified by the Commission, it will be allowed to make payment within ten (10) business days after the payment deadline provided that it also pays a late fee equal to five (5) percent of the amount due. When a winning bidder fails to pay the balance of its winning bid plus late fee by the late payment deadline, it is considered to be in default on its license(s) and subject to the applicable default payments.

Licenses will be awarded upon the full and timely payment of winning bids and any applicable late fees. *See* 47 C.F.R. § 1.2109(a). A winning bidder that is found unqualified to be a licensee, fails to remit the

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Winning Bidders in the Auction of 908 Phase II 220 MHz Service Licenses, *Public Notice*, 14 FCC Rcd 605 (1999).

balance of its winning bid in a timely manner, or defaults or is disqualified for any reason after having made the required down payment, will be deemed to have defaulted and will be liable for the payment set forth in Section 1.2104(g)(2).<sup>5</sup> In such event, the Commission may either auction the spectrum to existing or new applicants or offer it to the other highest bidders (in descending order) at their final bids. *See* 47 C.F.R. § 1.2109(c).

Additionally, bidders that are found to have violated the antitrust laws or the Commission's rules in connection with their participation in the competitive bidding process may be subject, in addition to any other applicable sanctions, to forfeiture of their upfront payment, down payment, or full bid amount, and may be prohibited from participating in future auctions. *See* 47 C.F.R. § 1.2109(d).

Because Auction No. 43 is now complete, the Commission is in a position to calculate and assess final default payments owed as a result of the default on a license in Auction No. 24. These payments are identified in Attachment C. Forthcoming orders will assess such payments.

#### **E. Refund of Excess Upfront Payments**

Upfront monies on deposit that are in excess of the required down payment, withdrawal and/or default payment amounts will be refunded to the payer of record as identified on FCC Form 159 promptly upon receipt of the necessary wire transfer instructions. Such instructions must be faxed to Gail Glasser at 202-418-2843. Any questions concerning refunds should be referred to Gail Glasser or Tim Dates at 202-418-1995.

#### **F. FCC Form 601**

By **6:00 p.m. ET on February 5, 2002** winning bidders must submit a completed long-form license application(s) covering each license for which they were the winning high bidder. **Attachment E** sets out instructions for completing the FCC Form 601. Applications **must** be filed electronically. Detailed instructions for filing the Form 601 electronically are set out in **Attachment F**.

**Failure to timely file FCC Form 601 will result in default. Late-filed applications will not be accepted without a showing of good cause.**<sup>6</sup>

#### **G. Tribal Land Bidding Credit**

The Commission has implemented a tribal land bidding credit to encourage the growth of wireless services in federally recognized tribal lands. For information relating to the tribal land bidding credit, *see* Attachment E.

#### **H. FCC Form 602**

Pursuant to Section 1.919 of the Commission's rules, an applicant for a license in an auctionable service must have on file with the Commission a current FCC Form 602 regarding ownership information of the applicant. *See* 47 C.F.R. § 1.919. Therefore, unless the applicant already has a current FCC Form 602

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<sup>5</sup> 47 C.F.R. § 1.2104(g)(2).

<sup>6</sup> 47 C.F.R. § 1.2107(c).

on file with the Commission, the applicant must submit one at the time the FCC Form 601 is filed. Any late-filed FCC Form 602 must contain a request for waiver of the filing requirement in 47 C.F.R. § 1.919.

FCC Form 602 must be filed **manually** (not electronically), and may be obtained from the Internet at <http://www.fcc.gov/formpage.html> or by calling the FCC's Form Distribution Center at 1-800-418-FORM (3676) (outside Washington, D.C.) or 202-418-3676 (in the Washington D.C. area). For more detailed information on FCC Form 602, see "Wireless Telecommunications Bureau Answers Frequently Asked Questions Concerning Reporting of Ownership Information on FCC Form 602," *Public Notice*, DA 99-1001, 14 FCC Rcd 8261 (1999).

Applicants that do not have a current FCC Form 602 on file should send the form to:

Federal Communications Commission  
Rear entrance 35 York Street  
Gettysburg, PA 17325

Filing an FCC Form 602 is a separate requirement from, and in addition to, the ownership reporting requirements associated with filing FCC Form 601, Exhibit A, as set forth in Attachment E. However, to avoid duplication, applicants may provide certain information required in Exhibit A by attaching a copy of their FCC Form 602 (in Adobe PDF Format) to their FCC Form 601 submission. Applicants are reminded, however, that an original FCC Form 602 still must be filed manually in Gettysburg, PA. For further information, see Instructions in Attachment E.

#### **I. Applications for Multiple Licenses**

Applicants winning licenses in multiple radio services must complete a separate FCC Form 601 for each radio service. Applicants winning multiple licenses may submit one FCC Form 601 per service (including all required schedules, attachments, and exhibits) and Form 602 if **all** filing information (name and address information, all ownership and eligibility attachments, and waiver requests) associated with the application is identical **except** for the market designator and market name. Licensing information such as market designator, block, and/or market name may be different (*i.e.*, YCBEA002E – Portland, ME; YCBEA009D – State College, PA) or (*i.e.*, QABEA058B - Northern Michigan, MI; QABEA160E – Los Angeles-Riverside-Orange County, CA-AZ).

Filers whose name and address, ownership, eligibility, and waiver requests are identical for some licenses but different for other licenses must submit a separate Form 601 and 602 for those licenses for which filing information is unique. The streamlined filing procedure described in the above paragraph may only be used for licenses that have identical filing information.

Applicants seeking a tribal land bidding credit for one or more markets are encouraged to submit two applications. One application would include markets in which the applicant intends to apply for a tribal land bidding credit. The other application would include those markets in which the applicant is not seeking a tribal land bidding credit. Applicants that intend to seek a tribal land bidding credit in multiple services would need to submit two applications per service.

#### **J. Maintaining Accuracy of Information**

After the auction closes, applicants are required to make all changes in the ULS system (Form 601).

Applicants are no longer required to maintain accuracy and completeness of information furnished on their FCC Form 175 and exhibits.

#### **K. Application Processing and License Grant**

Pursuant to 47 C.F.R. § 1.2108(b) and the Balanced Budget Act of 1997,<sup>7</sup> interested parties will have **ten (10) days** to file petitions to deny after the Commission releases a public notice announcing the FCC Forms 601 and 602 that are acceptable for filing. An applicant may file an opposition to any petition to deny within **five (5) business days** after the time for filing petitions to deny has expired. *See* 47 C.F.R. §1.2108(c). The petitioner may file a reply to such opposition within **five (5) business days** after the time for filing oppositions has expired. *See* 47 C.F.R. §1.2108(c). If the Commission determines an applicant is qualified and there is no substantial and material issue of fact concerning that determination, the Commission will issue a public notice announcing that it is prepared to grant the application conditioned upon the full and timely payment of the remaining balance of the applicant's winning bid. Once the Commission has received full payment of the applicant's winning bid, it will issue a public notice announcing grant of the license (or licenses) to the applicant.

*Frivolous Pleadings.* The Commission reminds parties to our proceedings and their attorneys that the Commission intends to use its authority fully to deter the filing of frivolous pleadings.<sup>8</sup>

#### **L. Anti-collusion Rules**

To ensure the competitiveness of the auction process, the Commission's rules prohibit applicants for the same geographic license area from communicating with each other during the auction about bids, bidding strategies, or settlements. As explained more fully in the *Auction No. 43 Procedures Public Notice*,<sup>9</sup> this prohibition began with the filing of short-form applications and ends on the down payment due date, or February 5, 2002.<sup>10</sup> The prohibition ends on the down payment due date whether or not a high bidder must supplement its upfront payment to cover its down payment. Applicants certified their compliance with Section 1.2105(c) when their FCC Form 175 short-form applications were signed.

#### **M. Return of SecurID Cards**

Bidders are encouraged to return their SecurID cards to the FCC by **February 5, 2002** for recycling. A pre-addressed, stamped envelope is provided in this mailing that bidders should use to return the cards now that the auction is over. Please note that each SecurID card is tailored to a specific auction, therefore, the cards issued for this auction will not work for future auctions.

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<sup>7</sup> Pub. L. 105-33, 111 Stat. 251 (1997).

<sup>8</sup> *See* Commission Taking Tough Measures Against Frivolous Pleadings, *Public Notice*, 11 FCC Rcd 3030 (1996).

<sup>9</sup> *See* Auction No. 43 Multi-Radio Service Auction Scheduled for January 10, 2002; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments and Other Procedural Issues, *Public Notice*, DA 01-2315 (rel. October 10, 2001), 66 Fed. Reg. 55180 (*"Auction No. 43 Procedures Public Notice"*).

<sup>10</sup> *Id.* at 66 Fed. Reg. 55182.

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**For further information, contact**

News Media: Meribeth McCarrick at 202-418-0654

Technical Support Hotline: Technical Support Personnel at  
202-414-1250 (V)  
or 202-414-1255 (text telephone (TTY))

Office of the Managing Director  
Auctions Accounting Group  
(Payment, FCC Form 159 and refund  
questions) Gail Glasser or Tim Dates  
at 202-418-1995

Wireless Telecommunications Bureau,  
Commercial Wireless Division  
(FCC Form 601 and 602 questions) Dwain Livingston, Engineer, at 202-418-1338  
Bettye Woodward, Analyst, at 202-418-1345  
Gary Oshinsky, Attorney, at 202-418-7167  
Amal Abdallah, Attorney, at 202-418-7307

Wireless Telecommunications Bureau,  
Auctions and Industry Analysis Division  
(Auction-related questions) Barbara Sibert, Project Manager at 717-338-2888  
Howard Davenport, Attorney, at 202-418-0660

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**FCC Multi-Radio Service Auction**  
**Round Results, High Bids**  
**Auction ID: 43**

**ATTACHMENT A**



Date of Report: 1/17/02 14:44 Eastern Time

Market	Freq Block	License Description	Round of High Bid	FCC Account Number	Company Name	Date of Bid	Net Bid Amount	Gross Bid Amount
<b>220 MHz (QA)</b>								
BEA058	B	Northern Michigan MI	25	0431349578	AerWav, Inc.	01/16/2002	\$1,700	\$1,700
BEA160	E	LA-Riverside-Orange Cnty CA	25	0431349578	AerWav, Inc.	01/16/2002	\$25,000	\$25,000
EAG001	F	Northeast	3	0431349578	AerWav, Inc.	01/10/2002	\$78,000	\$78,000
EAG004	F	Great Lakes	3	0431349578	AerWav, Inc.	01/10/2002	\$78,000	\$78,000
<b>Subtotal</b>							<b>\$182,700</b>	<b>\$182,700</b>
<b>800 MHz (YC)</b>								
BEA002	E	Portland ME	19	0431638589	NEXTEL SPECTRUM ACQUISITION CORP.	01/15/2002	\$25,000	\$25,000
BEA009	D	State College PA	21	0431638589	NEXTEL SPECTRUM ACQUISITION CORP.	01/16/2002	\$37,000	\$37,000
BEA011	DD	Harrisburg-Lebanon-Carlisle PA	19	0431638589	NEXTEL SPECTRUM ACQUISITION CORP.	01/15/2002	\$25,000	\$25,000
BEA018	F	Greensboro-Winston-Salem NC	25	0431638589	NEXTEL SPECTRUM ACQUISITION CORP.	01/16/2002	\$300,000	\$300,000
BEA020	F	Norfolk-Virginia Beach VA-NC	21	0431638589	NEXTEL SPECTRUM ACQUISITION CORP.	01/16/2002	\$302,000	\$302,000
BEA032	D	Fort Myers-Cape Coral FL	26	0431638589	NEXTEL SPECTRUM ACQUISITION CORP.	01/16/2002	\$59,000	\$59,000
BEA033	E	Sarasota-Bradenton FL	25	0431638589	NEXTEL SPECTRUM ACQUISITION CORP.	01/16/2002	\$61,000	\$61,000
BEA034	EE	Tampa-St. Petersburg FL	15	0431638589	NEXTEL SPECTRUM ACQUISITION CORP.	01/15/2002	\$49,000	\$49,000
BEA047	FF	Lexington KY-TN-VA-WV	10	0431638589	NEXTEL SPECTRUM ACQUISITION CORP.	01/14/2002	\$144,000	\$144,000
BEA066	D	Fort Wayne IN	10	0431638589	NEXTEL SPECTRUM ACQUISITION CORP.	01/14/2002	\$12,000	\$12,000
BEA066	EE	Fort Wayne IN	23	0431638589	NEXTEL SPECTRUM ACQUISITION CORP.	01/16/2002	\$15,000	\$15,000
BEA069	E	Evansville-Henderson IN-KY-IL	22	0431642468	TeleBEEPER of NEW MEXICO, INC	01/16/2002	\$14,950	\$23,000
BEA069	FF	Evansville-Henderson IN-KY-IL	26	0431642468	TeleBEEPER of NEW MEXICO, INC	01/16/2002	\$14,950	\$23,000
BEA085	FF	Lafayette LA	13	0431638589	NEXTEL SPECTRUM ACQUISITION CORP.	01/14/2002	\$12,000	\$12,000
BEA086	D	Lake Charles LA	20	0431638589	NEXTEL SPECTRUM ACQUISITION CORP.	01/15/2002	\$24,000	\$24,000

**FCC Multi-Radio Service Auction  
Round Results, High Bids  
Auction ID: 43**

**ATTACHMENT A**



Date of Report: 1/17/02 14:44 Eastern Time

Market	Freq Block	License Description	Round of High Bid	FCC Account Number	Company Name	Date of Bid	Net Bid Amount	Gross Bid Amount
<b>800 MHz (YC)</b>								
BEA088	FF	Shreveport-Bossier City LA-AI	19	0431638589	NEXTEL SPECTRUM ACQUISITION CORP.	01/15/2002	\$18,000	\$18,000
BEA091	E	Fort Smith AR-OK	22	0431638589	NEXTEL SPECTRUM ACQUISITION CORP.	01/16/2002	\$23,000	\$23,000
BEA097	DD	Springfield IL-MO	30	0431638589	NEXTEL SPECTRUM ACQUISITION CORP.	01/17/2002	\$26,000	\$26,000
BEA124	EE	Tulsa OK-KS	20	0431642468	TeleBEEPER of NEW MEXICO, INC	01/15/2002	\$14,950	\$23,000
BEA132	FF	Corpus Christi TX	28	0431638589	NEXTEL SPECTRUM ACQUISITION CORP.	01/16/2002	\$127,000	\$127,000
BEA140	F	Pueblo CO-NM	17	0431642468	TeleBEEPER of NEW MEXICO, INC	01/15/2002	\$37,050	\$57,000
BEA172	FF	Honolulu HI	11	0431638589	NEXTEL SPECTRUM ACQUISITION CORP.	01/14/2002	\$23,000	\$23,000
BEA173	E	Guam-Northern Mariana Islands	10	0431642468	TeleBEEPER of NEW MEXICO, INC	01/14/2002	\$1,625	\$2,500
<b>Subtotal</b>							<b>\$1,365,525</b>	<b>\$1,410,500</b>
<b>Grand Total</b>							<b>\$1,548,225</b>	<b>\$1,593,200</b>

# FCC Multi-Radio Service Auction Bidder Payment / Refund Report

ATTACHMENT B



**Auction ID:43**

Date of Report: 1/18/02 11:30:40

Applicant Name	FCC Account Number	Upfront Pmt Amt	Total Withdrawal Pmt Amt	Upfront Pmt Amt Counted	Total Net High Bid	Initial Down Pmt	Amt Upfront Applied	Balance
A.R.C., Inc.	0431435189	\$15,900.00	\$0.00	\$15,900.00	\$0.00	\$0.00	\$0.00	(\$15,900.00)
AerWav, Inc.	0431349578	\$125,000.00	\$0.00	\$125,000.00	\$182,700.00	\$36,540.00	\$36,540.00	(\$88,460.00)
AreaWide Communications Inc.	0431340062	\$7,900.00	\$0.00	\$7,900.00	\$0.00	\$0.00	\$0.00	(\$7,900.00)
Helen Wong-Armijo	0431245490	\$5,500.00	\$0.00	\$5,500.00	\$0.00	\$0.00	\$0.00	(\$5,500.00)
Nevada Wireless LLC	0431510446	\$100,100.00	\$0.00	\$100,100.00	\$0.00	\$0.00	\$0.00	(\$100,100.00)
NEXTEL SPECTRUM ACQUISITION CORP.	0431638589	\$100,100.00	\$0.00	\$100,100.00	\$1,282,000.00	\$256,400.00	\$100,100.00	\$156,300.00
TeleBEEPER of NEW MEXICO, INC	0431642468	\$22,500.00	\$0.00	\$22,500.00	\$83,525.00	\$16,705.00	\$16,705.00	(\$5,795.00)

# Multi-Radio Service Auction

## Default Payment Report

### Auction ID: 43

ATTACHMENT C



Date of Report: 1/18/02 3:11:15 PM Eastern Time

License Number	Blk	Market	Bidder	FCC Account Number	Defaulted Gross Bid Amount	Defaulted Net Bid Amount	Final Gross Bid Amount	Final Net Bid Amount	Lower Difference	3% Payment	Total Default Payment Assessed
<b><u>LICENSES WITH WINNING BIDS</u></b>											
QABEA160	E	Los Angeles-Riverside-C	Jeremy A. Greene	0241208224	\$199,000.00	\$129,350.00	\$25,000.00	\$25,000.00	\$104,350.00	\$750.00	\$105,100.00 *
											<b>\$105,100.00</b>

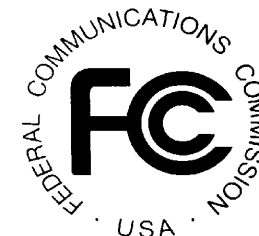
\* This figure does not take into account any amount on deposit with the FCC for the account of the defaulting bidder.

# Multi-Radio Service Auction

## Multi-Auction Withdrawal Payment Report

### Auction ID: 43

ATTACHMENT D



Report Date: 1/17/02 4:49:53 PM

License Number	Freq Bk	Market Description	Bidder Name	FCC Account Number	Withdrawn Gross Bid Amount	Withdrawn Net Bid Amount	Original Withholding	Withdrawal Payment	Amount Due
BEA058	B	Northern Michigan MI	220 MHz Auction Group	0240938035	\$600.00	\$390.00	\$12.00	\$0.00	(\$12.00)
EAG001	F	Northeast	220 MHz Auction Group	0240938035	\$150,000.00	\$97,500.00	\$2,925.00	\$19,500.00	\$16,575.00
EAG004	F	Great Lakes	Police Emergency Radio Services, Inc.	0241257541	\$217,000.00	\$141,050.00	\$4,232.00	\$63,050.00	\$58,818.00
BEA002	E	Portland ME	Motient Communications Company	0341741318	\$149,000.00	\$149,000.00	\$4,470.00	\$124,000.00	\$119,530.00
BEA009	D	State College PA	Preferred Acquisitions Inc	0341843435	\$258,000.00	\$167,700.00	\$5,031.00	\$130,700.00	\$125,669.00
BEA011	DD	Harrisburg-Lebanon-Carlisle PA	Motient Communications Company	0341741318	\$251,000.00	\$251,000.00	\$7,530.00	\$226,000.00	\$218,470.00
BEA018	F	Greensboro-Winston-Salem NC-VA	Preferred Acquisitions Inc	0341843435	\$535,000.00	\$347,750.00	\$10,433.00	\$47,750.00	\$37,317.00
BEA020	F	Norfolk-Virginia Beach VA-NC	Preferred Acquisitions Inc	0341843435	\$352,000.00	\$228,800.00	\$6,864.00	\$0.00	(\$6,864.00)
BEA032	D	Fort Myers-Cape Coral FL	Motient Communications Company	0341741318	\$86,000.00	\$86,000.00	\$2,580.00	\$27,000.00	\$24,420.00
BEA033	E	Sarasota-Bradenton FL	Motient Communications Company	0341741318	\$13,000.00	\$13,000.00	\$390.00	\$0.00	(\$390.00)
BEA034	EE	Tampa-St. Petersburg FL	Motient Communications Company	0341741318	\$86,000.00	\$86,000.00	\$2,580.00	\$37,000.00	\$34,420.00
BEA047	FF	Lexington KY-TN-VA-WV	Nevada Wireless LLC	0341215027	\$140,000.00	\$91,000.00	\$2,730.00	\$0.00	(\$2,730.00)
BEA066	D	Fort Wayne IN	Preferred Acquisitions Inc	0341843435	\$15,000.00	\$9,750.00	\$293.00	\$0.00	(\$293.00)
BEA066	EE	Fort Wayne IN	Motient Communications Company	0341741318	\$30,000.00	\$30,000.00	\$900.00	\$15,000.00	\$14,100.00
BEA069	E	Evansville-Henderson IN-KY-IL	Preferred Acquisitions Inc	0341843435	\$20,000.00	\$13,000.00	\$390.00	\$0.00	(\$390.00)
BEA069	FF	Evansville-Henderson IN-KY-IL	Preferred Acquisitions Inc	0341843435	\$20,000.00	\$13,000.00	\$390.00	\$0.00	(\$390.00)
BEA085	FF	Lafayette LA	Motient Communications Company	0341741318	\$85,000.00	\$85,000.00	\$2,550.00	\$73,000.00	\$70,450.00
BEA086	D	Lake Charles LA	Motient Communications Company	0341741318	\$124,000.00	\$124,000.00	\$3,720.00	\$100,000.00	\$96,280.00
BEA088	FF	Shreveport-Bossier City LA-AR	Motient Communications Company	0341741318	\$166,000.00	\$166,000.00	\$4,980.00	\$148,000.00	\$143,020.00
BEA091	E	Fort Smith AR-OK	Linda Sue and Herschel Bruce Williamson	0340316286	\$4,600.00	\$2,990.00	\$90.00	\$0.00	(\$90.00)
BEA097	DD	Springfield IL-MO	Motient Communications Company	0341741318	\$35,000.00	\$35,000.00	\$1,050.00	\$9,000.00	\$7,950.00
BEA124	EE	Tulsa OK-KS	Nevada Wireless LLC	0341215027	\$9,900.00	\$6,435.00	\$193.00	\$0.00	(\$193.00)
BEA132	FF	Corpus Christi TX	Motient Communications Company	0341741318	\$35,000.00	\$35,000.00	\$1,050.00	\$0.00	(\$1,050.00)
BEA140	F	Pueblo CO-NM	Nevada Wireless LLC	0341215027	\$17,000.00	\$11,050.00	\$332.00	\$0.00	(\$332.00)
BEA172	FF	Honolulu HI	Motient Communications Company	0341741318	\$308,000.00	\$308,000.00	\$9,240.00	\$285,000.00	\$275,760.00
BEA173	E	Guam-Northern Mariana Islands	Communication Specialists Inc.	0341000492	\$99,000.00	\$64,350.00	\$1,931.00	\$62,725.00	\$60,794.00
									<b>\$1,290,839.00</b>

## ATTACHMENT E

### INSTRUCTIONS FOR COMPLETING FCC FORM 601

*In completing the FCC Form 601, applicants are strongly encouraged to use the format below in submitting the information, as exhibits to the FCC Form 601, required by our rules. Following this format will help expedite the processing of the FCC Form 601 and minimize the need for requesting missing information. Applicants seeking tribal lands bidding credits must comply with the instructions contained in Part IV of this Attachment.*

#### I. FCC FORM 601: GENERAL REQUIREMENTS

Applicants bear full responsibility for submission of timely and complete FCC Form 601 applications. Applicants should read the instructions on the FCC Form 601 carefully and should consult the rules to ensure that, in addition to the materials described below, all the information that is required under our rules is included with their FCC Form 601 applications. Each applicant is responsible for the continuing accuracy and completeness of information furnished in a pending application. *See* 47 C.F.R. § 1.65. **Incomplete or defective applications may be returned to the applicant.** *See* 47 C.F.R. § 1.934(a), (d); *see also* 47 C.F.R. § 1.933(b).

An applicant that fails to submit the required FCC Form 601 application by **6:00 p.m. ET on February 5, 2002**, 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 Section 1.2104(g) of the Commission's Rules. *See* 47 C.F.R. §§ 1.2104(g), 1.2107(c).

**Number of Forms To Be Filed.** Applicants applying for multiple licenses may submit *one* FCC Form 601 (including all required schedules, attachments, and exhibits) if *all* filing requirements associated with the application are identical *except* for the market designator(s) and market name(s). An applicant seeking tribal lands bidding credits in one or more, but not all markets, however, is encouraged to submit two applications in order to separate those markets in which the applicant intends to apply for tribal lands bidding credits from those markets in which the applicant is not seeking tribal lands bidding credits.

**Note:** Applicants winning licenses in multiple radio services must complete a separate FCC Form 601 for each radio service.

#### II. FILING FCC FORM 601 ELECTRONICALLY

1. Reach the Commission's Universal Licensing System (ULS) Online Filing through the Internet at **<http://wireless.fcc.gov/uls>**. Select the Online Filing button from this page.

You may also connect to the ULS Online Filing by establishing a direct dial-up connection to the ULS by pointing your web browser to **<http://wireless.fcc.gov/uls>** and selecting the ULS Filing button. (Follow the instructions set forth in Attachment G to this Public Notice on accessing ULS through a direct dial-up connection.)

**Note:** You may use Netscape Communicator (v. 4.5, 4.51, 4.61, 4.7, 4.75) or Internet Explorer (v. 5.5-6.2) browser software to electronically register and file FCC Form 601 through ULS. You can download Netscape Communicator free of charge by accessing the Netscape download site at

<http://home.netscape.com/download/archive.html>. You may also download Internet Explorer at <http://www.microsoft.com/windows/ie/downloads/default.asp>.

2. At the ULS Online Filing login screen, enter the applicant's FCC Registration Number (FRN) and password **or** Taxpayer Identification Number (TIN), Subgroup Identification Number (SGIN), and Password. Then click on "Continue." If you provide your TIN/SGIN and password we will verify you have a valid FRN or otherwise prompt you to obtain an FRN through the Commission Registration System (CORES). (See Attachment F for instructions on registering with the FCC.)

**Note:** The FRN provided must be the same one used to identify the applicant when filing Form 175. If you provided a TIN only on your Form 175, you must still obtain an FRN from CORES in order to log in to ULS, and it must be associated with the TIN used on your Form 175.

If you are an existing ULS licensee **prior** to December 3, 2001, you can go to License Search to determine the FRN of your existing call signs. If you are a new user accessing ULS for the first time after December 3, 2001, use your FRN and password to login. For additional information on the FRN visit the CORES web site at <https://svartifoss2.fcc.gov/core/CoresHome.html> and see All Universal Licensing System and Antenna Structure Registration Applicants must use their FCC Registration Number(s), effective December 3, 2001, Public Notice, DA 01-2452, October 23, 2001.

Contact Technical Support at (202) 414-1250 if you have problems accessing ULS.

3. Click on the "Select New Filing" button to begin filing your application.
4. Select Application Purpose "New" from the drop-down list and click on "Continue."
5. Select one of the following options from the Auction ID drop-down list and click on "Continue."

QA – 220-222 MHz Band, Auctioned  
YC – SMR, 806-821/851-866 MHz, Auctioned

Note: For Auction 43, you must file a separate application for each distinct radio service code for which you have won markets.

6. Supply the information requested by FCC Form 601 and the Commission's Rules.

If you plan to file a request for waiver or exception to the Commission's Rules, select "Yes" for the third question.

7. After supplying all the requested information, fill in your signature at the bottom of the page and click on "Continue."
8. The following screen lists all of the markets won by the applicant at the auction that have the same radio service code. Select the market(s) you want to apply for in this application by clicking on the box to the right of the market name. If you are applying for markets in which you intend to seek tribal lands bidding credits, see Section IV of this Attachment.
9. After the market(s) have been selected, click on the "Attachments" button and upload the required attachments as described in the following section. Be sure to use the standard attachment types and file descriptions set forth herein.

10. When finished uploading attachments, close the Attachment window. After uploading each of the required attachments, click on the “Continue” button. At this point, you either can “Print Preview” your application or “Submit” it to the Commission.
11. ULS will assign a file number to the application. If you wish to change anything on the submitted application **during** the filing window, access the ULS Online Filing Screen and enter your FRN and Password **or** your TIN/SGIN and password. On the next screen, click on the file number of the desired application in “Complete” status.
12. If you wish to change anything **after** the filing deadline, you may enter your FRN and Password **or** your TIN/SGIN and password on the Online Filing Screen, select application purpose “Amendment,” and select the file number of the application you wish to modify.

### III. ORGANIZATION OF APPLICATION EXHIBITS

**Form 601- and Rule-Related Exhibits.** Any exhibits to be attached to an application in response to a question on the Main Form or Schedule B of FCC Form 601 or as specified in the Commission’s Rules should be identified as specified in the instructions to the FCC Form 601. Applicants should use the Attachment screen provided within the electronic filing software to submit these exhibits as uploaded files and should select the appropriate attachment type. The electronic filing software will accept a variety of file formats, including Word, Word Perfect, and ASCII text. To submit a graphic image it must first be imported into a Word document or a PDF. See online help for a full list of acceptable file formats. Applicants are requested not to add password protections to attached files.

Any exhibits to be attached to an application as a result of our rule requirements should be uploaded and identified as follows:

<u>Title</u>	<u>Required From</u>
Exhibit A: Ownership	All Applicants
Exhibit B: Foreign Ownership	If Applicable
Exhibit C: Designated Entities	Designated Entity Applicants
Exhibit D: Agreements & Other Instruments	If Applicable
Exhibit E: Confidentiality Requests	If Applicable
Exhibit F: Waiver Requests	If Applicable
Exhibit H: Miscellaneous Information	If Applicable
Exhibit X: Tribal Government Certification	If Applicable <sup>1</sup>
Exhibit Y: Tribal Lands Waiver Requests	If Applicable <sup>2</sup>
Exhibit Z: Applicant Certification	If Applicable <sup>3</sup>

As specified in the instructions to the FCC Form 601, 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.

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<sup>1</sup> Applicants applying for markets where they are seeking a tribal lands bidding credit must attach all tribal government certifications, applicant certifications, and waiver exhibits, as applicable, within 90 days of filing their long-form application. See discussion in Section IV. The applicant does not need to include these attachments in applications in which the applicant is not including markets where a tribal lands bidding credit is being sought.

<sup>2</sup> See *id.*

<sup>3</sup> See *id.*



## EXHIBIT A: OWNERSHIP INFORMATION

Section 1.2112 of the Commission's Rules requires that each applicant for a license shall disclose fully the real party- or parties-in-interest. *See* 47 C.F.R. § 1.2112(a). To provide this information, applicants should upload a file, select Attachment Type “Ownership” and enter “**Exhibit A: Ownership**” in the File Description field on the Attachment Screen.

Applicants should provide the information concerning the applicant (*i.e.*, real party- or parties-in-interest), and the ownership interests held in the applicant and in investors in the applicant, in the format described below. Each application shall be clear and complete in itself without cross-reference to information previously filed. All pages should be clearly labeled to indicate the Exhibit and Item number to which those pages relate.

**Part 1: Direct Ownership:** Applicant must provide information regarding its direct ownership as follows:

- *General Rule:* The applicant must provide the name, address, and citizenship of any party holding 10 percent or more of stock in the applicant, whether voting or nonvoting, common or preferred, including the specific amount of the interest or percentage held. *See* 47 C.F.R. § 1.2112(a)(1).
- If the applicant is a general partnership, provide the name, address, and citizenship of each partner, and the share or interest participation in the partnership. *See* 47 C.F.R. § 1.2112(a)(3).
- If the applicant is a limited partnership, provide the name, address, and citizenship of each limited partner whose interest in the applicant is 10 percent or greater (as calculated according to the percentage of equity paid in or the percentage of distribution of profits and losses). *See* 47 C.F.R. § 1.2112(a)(2).
- If the applicant is a limited liability company, provide the name, address, and citizenship of each of its members whose interest in the applicant is 10 percent or greater. *See* 47 C.F.R. § 1.2112(a)(4).

**Part 2: Indirect Ownership:** Applicant must identify all parties holding indirect ownership interests in the applicant, as determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain, that equals 10 percent or more of the applicant, except that if the ownership percentage for an interest in any link in the chain exceeds fifty percent or represents actual control, it shall be treated and reported as if it were a one hundred percent interest. *See* 47 C.F.R. § 1.2112(a)(5).

**Part 3: Other Disclosable Interests and Entities:** Applicant must list any FCC-licensed entity or applicant for an FCC license in which the applicant or any of the parties identified in Sections 1.2112(a)(1)-(5) of the Commission’s Rules owns 10 percent or more of stock, whether voting or nonvoting, common or preferred. This list must include a description of each such entity’s principal business and a description of each entity’s relationship to the applicant. *See* 47 C.F.R. § 1.2112(a)(6).

**Note:** Applicants may provide information required in Parts 1 through 3 above by scanning and attaching a copy of their current FCC Form 602 (in Adobe PDF) as an exhibit to FCC Form 601. To avoid inadvertent disclosure of TIN information, applicants submitting a copy of FCC Form 602 as an attachment to FCC Form 601 should not include TIN information on the copy of FCC Form 602 or should block out this information. Applicants are reminded, however, that a current FCC Form 602, in

paper form, must be filed, or be on file, with the Commission's Gettysburg office by the filing deadline for the FCC Form 601. See discussion in Section V; see also Wireless Telecommunications Bureau Answers Frequently Asked Questions Concerning Reporting of Ownership Information on FCC Form 602, *Public Notice*, 14 FCC Rcd 8261, 8264 (1999).

## EXHIBIT B: FOREIGN OWNERSHIP

If the applicant has responded "yes" to either Question 40, 41, 42, 43, or 44 on the FCC Form 601, it must explain the circumstances regarding foreign ownership in the applicant. To provide this information, the applicant should select Attachment Type "Ownership" and enter "**Exhibit B: Foreign Ownership**" in the File Description field on the Attachment Screen. For every direct or indirect foreign owner, applicants should provide the following information:

*Item (1) Percentage of Interest:* Identify each foreign owner's percentage of ownership in the applicant.

*Item (2) Country of Origin and Address:* List each foreign owner's country of origin and principal place of business.

*Item (3) Public Interest Statement:* Demonstrate how allowing the applicant to hold the requested license is consistent with the Commission's policies pursuant to Section 310(b)(4) of the Communications Act of 1934, as amended. In the *Foreign Participation Order*,<sup>4</sup> the Commission stated that there is a presumption that indirect foreign ownership of common carrier radio licenses by entities whose home markets are World Trade Organization (WTO) Members is in the public interest. If more than twenty-five percent of the ownership of an entity that controls a common carrier radio license is attributable to parties whose home markets are non-WTO member countries, the Commission will evaluate whether those markets offer effective competitive opportunities to U.S. investors. See *Foreign Participation Order*, 12 FCC Rcd 23891, 23935-42, 23946, at ¶¶ 97-118, 131.

*Item (4) Petitions for Declaratory Ruling:* As explained in the Commission's *Foreign Participation Order*, licensees must seek the Commission's prior approval before accepting indirect foreign ownership that causes them to exceed Section 310(b)(4)'s twenty-five percent benchmark. See *id.* In keeping with this pre-approval process, auction applicants are required to certify in their FCC Form 175 applications that they either are in compliance with the foreign ownership requirements of Section 310 or that they have filed a request for relief from those requirements that is pending with the Commission. See 47 C.F.R. § 1.2105(a)(2)(v), (vi). Similarly, where foreign ownership is at issue, applicants must indicate in their FCC Form 601 applications that they either have received a declaratory ruling that grants them permission to exceed the statutory benchmark of Section 310(b)(4) or that they have a request currently pending at the Commission. Applicants are advised that petitions for declaratory ruling to exceed the Section 310(b)(4) benchmark must be granted before any license for which the applicant is a high bidder may be granted.

Petitions for a declaratory ruling to exceed the Section 310(b)(4) twenty-five-percent statutory benchmark should be addressed to the Secretary, with a copy to the Telecommunications Division of the International Bureau, and must be filed in paper form. There is no fee associated with such a filing. Applicants should be aware that, under the relevant precedent, including the Commission's *Foreign Participation Order*, streamlined processing is possible for petitions involving investment from WTO

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<sup>4</sup> Rules and Policies on Foreign Participation in the U.S. Telecommunications Market, IB Docket No. 97-142, Market Entry and Regulation of Foreign-Affiliated Entities, IB Docket No. 95-22, *Report and Order and Order on Reconsideration*, 12 FCC Rcd. 23891 (1997) ("*Foreign Participation Order*"), *Order on Reconsideration*, 15 FCC Rcd. 18158 (2000).

Members that do not raise any other potentially complex foreign ownership issues. The Commission may conclude that a particular petition of this type is not eligible for streamlined processing. If more than twenty-five percent of the ownership of an entity that controls a common carrier radio license is attributable to parties whose home markets are non-WTO Members, such petitions are not eligible for streamlined processing, and these petitioners should contact the Telecommunications Division of the International Bureau to discuss processing of their petitions. Inquiries regarding compliance with Section 310 of the Communications Act and the filing and processing of petitions for declaratory ruling should be directed to Claudia Fox, Chief of the Policy and Facilities Branch, Telecommunications Division, International Bureau, at (202) 418-1460.

## **EXHIBIT C: DESIGNATED ENTITIES**

Pursuant to Section 1.2110(f)(1) of the Commission's Rules, the Commission may award bidding credits (*i.e.*, payment discounts) to eligible designated entities qualifying as small and very small businesses and consortia of small and very small businesses under the Commission's individual service rules. *See* 47 C.F.R. §§ 1.2110(f)(1), (2). Sections 90.910(a), 90.1017(a) of the Commission's Rules establishes that small and very small businesses, along with consortia of small and very small businesses, will be eligible for designated entity status in 800 MHz SMR, and 220 MHz auctions. *See* 47 C.F.R. §§ 90.910(a), 90.1017(a).

**Small Businesses under Sections 90.912(b)(1), 90.1021(b)(1):** A small business is an entity that, together with its affiliates and controlling interests, has average gross revenues that are not more than **\$15 million** for the preceding three years. *See* 47 C.F.R. §§ 1.2110(f)(2)(ii), 90.912(b)(1). Small businesses are eligible for bidding credits of **twenty-five percent (25%)** to lower the cost of their winning bids. *See* 47 C.F.R. §§ 1.2110(f)(2)(ii), 90.912(b)(1), 90.1021(b)(1).

**Consortia of Small Businesses under Section 90.912(b)(4), 90.1021(b)(4):** A consortium of small businesses is a conglomerate organization formed as a joint venture between or among mutually independent business firms, each of which individually satisfies the definition of a small business. *See* 47 C.F.R. § 90.912(b)(4). Each mutually independent small business has to have average gross revenues that are not more than **\$15 million** for the preceding three years. *See* 47 C.F.R. §§ 1.2110(b)(3)(i), 90.912(b)(4). Consortia of Small businesses are eligible for bidding credits of **twenty-five percent (25%)** to lower the cost of their winning bids. *See* 47 C.F.R. §§ 1.2110(f)(2)(ii), 90.912(b)(5), 90.1021(b)(4).

**Very Small Businesses under Section 90.912(b)(2), 90.1021(b)(2):** A very small business is an entity that, together with its affiliates and controlling interests, has average gross revenues that are not more than **\$3 million** for the preceding three years. *See* 47 C.F.R. §§ 1.2110(f)(2)(i), 90.912(b)(2), 90.1021(b)(2). Very small businesses are eligible for bidding credits of **thirty-five percent (35%)** to lower the cost of their winning bids. *See* 47 C.F.R. §§ 1.2110(f)(2)(i), 90.910(a), 90.1017(a).

**Consortia of Very Small Businesses under Sections 90.912(b)(5), 90.1021(b)(4):** A consortium of very small businesses is a conglomerate organization formed as a joint venture between or among mutually independent business firms, each of which individually satisfies the definition of a very small business. *See* 47 C.F.R. § 90.912(b)(5). Each mutually independent very small business has to have average annual gross revenues that are not more than **\$3 million** for the preceding three years. *See* 47 C.F.R. §§ 1.2110(b)(3)(i), 90.912(b)(5). Consortia of very small businesses are eligible for bidding credits of **thirty-five percent (35%)** to lower the cost of their winning bids. *See* 47 C.F.R. §§ 1.2110(f)(2)(i), 90.910(a), 90.1017(a).

In order to demonstrate eligibility for any such designated entity status, applicants must upload a file, select Attachment Type “Ownership” and enter “**Exhibit C: Designated Entities**” in the File Description field on the Attachment screen. In the exhibit, applicants should include the applicable information:

- (i) Identify the applicant's claimed eligibility status.
- (ii) Calculate the Gross Revenues:

**For Small and Very Small Businesses:** For purposes of determining whether an entity is a small or very small business, the gross revenues of the applicant, its affiliates, its controlling interests, and affiliates of its controlling interests shall be considered on a cumulative basis and aggregated. *See* 47 C.F.R. §§ 1.2110(b)(1), 1.2112(b)(2)(iii), 90.912(b)(3), 90.1021(b)(3). To comply, provide in accordance with Section 1.2110(n) of the Commission’s Rules, 47 C.F.R. § 1.2110(n), the gross revenues for the most recently completed three calendar or fiscal years preceding the filing of the applicant's FCC Form 175, separately for the applicant, each of its affiliates, each of its controlling interests, and each of the affiliates of its controlling interests. *See* 47 C.F.R. § 1.2112(b)(2)(iii); *see also* 47 C.F.R. § 1.2110(b)(3), (n). Gross revenues shall mean all income received by an entity, whether earned or passive, before any deductions are made for costs of doing business, as evidenced by audited financial statements. If the applicant does not use audited financial statements, its gross revenues may be certified by its chief financial officer or its equivalent and must be prepared in accordance with Generally Accepted Accounting Principles. If an entity was not in existence for all or part of the preceding three years, gross revenues shall be evidenced by the audited financial statements of the entity’s predecessor-in-interest or, if there is no identifiable predecessor-in-interest, unaudited financial statements certified by the applicant as accurate. *See* 47 C.F.R. § 1.2110(n).

Calculate the average gross revenues separately for the applicant, each affiliate, each controlling interests, and each affiliate of the applicant’s controlling interests for those three years. Provide the aggregate average gross revenues for the applicant, its affiliates, its controlling interests, and affiliates of its controlling interest for those three years. *See* 47 C.F.R. §§ 1.2110(f)(2)(iii), 90.912(b)(3), 90.1021(b)(3).

**For Consortia of Small and Very Small Businesses:** Applicants that applied as a small or very small business consortia as defined in Sections 1.2110(b)(3)(i) and 90.912(b)(5), 90.1021(b)(4) of the Commission’s Rules, 47 C.F.R. §§ 1.2110(b)(3)(i), 90.912(b)(1-5), must compute and indicate gross revenues as outlined above for *each* small or very small business in the consortium. That is, each business entity comprising the small or very small business consortium must qualify and show gross revenues separately. The average gross revenues of all of the small or very small businesses in the consortium shall not be aggregated. *See* 47 C.F.R. §§ 1.2110(b)(3)(i), 90.912(b)(5), 90.1021(b)(4).

- (iii) Controlling Interests and Affiliates:

All controlling interests and affiliates, as defined by the Commission’s Rules, must be included in the gross revenue calculations discussed above. *See* 47 C.F.R. § 1.2110(c)(2), (c)(5). Please note the following:

- Officers and directors of the applicant or of an entity that controls the applicant are considered to have a controlling interest in the applicant. *See* 47 C.F.R. § 1.2110(c)(2)(ii)(F).
- Any person who manages the operations of an applicant pursuant to a management agreement may be considered to have a controlling interest in the applicant. *See* 47 C.F.R. § 1.2110(c)(2)(ii)(H).

- Any licensee or its affiliate who enters into a joint marketing arrangement with an applicant or its affiliate may be considered to have a controlling interest in the applicant. *See* 47 C.F.R. § 1.2110(c)(2)(ii)(I).

(iv) Minority-Owned and Women-Owned Business and Rural Telephone Companies

We are interested in the status of applicants as minority-owned and women-owned businesses and rural telephone companies for statistical purposes, even if the applicant is ineligible for bidding credits. *See* 47 C.F.R. § 1.2110(c)(3), (4).

## **EXHIBIT D: AGREEMENTS & OTHER INSTRUMENTS**

All applicants must provide a detailed explanation of the terms and conditions and parties involved in any bidding consortia, joint ventures, partnerships or other agreements or arrangements entered into relating to the competitive bidding process prior to the time the bidding was completed. *See* 47 C.F.R. § 1.2107(d).

Applicants claiming designated entity status must list and summarize all agreements or instruments (with appropriate references to specific provisions in the text of such agreements and instruments) that support the applicant's eligibility as a small or very small business or a consortium of small or very small businesses, including the establishment of *de facto* and *de jure* control. *See* 47 C.F.R. § 1.2112(b)(2)(i). Such agreements and instruments include, but are not limited to, 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. § 1.2112(b)(2)(i). These applicants also must list and summarize any investor protection agreements, 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. § 1.2112(b)(2)(ii).

To comply with these requirements, applicants may submit either the agreements themselves or a detailed summary of those agreements. Applicants should upload the information in a file, select Attachment Type "Other" and enter "**Exhibit D: Agreements & Other Instruments**" in the File Description field on the Attachment screen. Applicants choosing to submit the agreements may elect to seek confidentiality for those documents pursuant to section 0.459 of the Commission's Rules, 47 C.F.R. § 0.459 (*see* discussion of confidentiality requests under "Confidentiality Requests" below).

## **EXHIBIT E: CONFIDENTIALITY REQUESTS**

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, and confidentiality may 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 to Section 0.459 of the Commission's Rules, 47 C.F.R. § 0.459. (Applicants submitting confidentiality requests should be aware that 47 C.F.R. § 0.459 was recently amended to set out more clearly what should be contained in a request that information not be made routinely available for public inspection. *See* Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission, *Report and Order*, 13 FCC Rcd 24816 (1998)). Because the required information bears on an applicant's qualifications, the Commission envisions that confidentiality requests will not be granted routinely.

If an applicant has sought confidential treatment of any information, it must attach a statement explaining the request and referencing the particular information for which confidential treatment has been requested. To provide this information, applicants should upload this statement as a file, select Attachment Type “Confidentiality” and enter “**Exhibit E: Confidentiality Requests**” in the File Description field on the Attachment Screen.

**Note: Applicants must select Attachment Type “Confidentiality” for the particular exhibit for which they are requesting confidential treatment. Otherwise, the attachment will be available for public inspection.**

#### **EXHIBIT F: WAIVER REQUESTS**

**Note: This part does not apply to tribal lands waiver requests. See Section IV, “Exhibit Y: Tribal Lands Waiver Requests.”**

In the event that a winning bidder wishes to file a request for waiver, the request should be filed with the corresponding application. Applicants should upload this waiver request as a file, select Attachment Type “Waiver” and enter “**Exhibit F: Waiver Requests**” in the File Description field on the Attachment screen.

Waiver requests filed after the submission of the FCC Form 601 may result in a delay of the processing of the application. If a request for waiver is filed separately from the FCC Form 601, such request must refer to the corresponding application, including its file number.

#### **EXHIBIT H: MISCELLANEOUS INFORMATION**

In the event that a winning bidder wishes to provide any additional information that does not fall within any of the other exhibits, these documents or files should be submitted by selecting Attachment Type “Other” and entering “**Exhibit H: Miscellaneous Information**” in the File Description field on the Attachment Screen.

### **IV. INSTRUCTIONS FOR APPLICANTS SEEKING TRIBAL LANDS BIDDING CREDITS**

**Filing the Long-Form Application:** Winning bidders interested in receiving a tribal lands bidding credit must indicate on the long-form application (FCC Form 601, Schedule B) each market for which they will seek the credit by clicking on the appropriate box. See 47 C.F.R. §§ 1.2107(e), 1.2110(f)(3)(i). For a list of the tribal lands in each Economic Area Grouping (EAG) or Economic Area (BEA), go to the Auction website at <http://wireless.fcc.gov/auctions> and click on “Tribal Land Credits,” and then click on “Cross References.” Instructions for applying for tribal lands bidding credits through ULS are also provided at the above-referenced website. Click on “Tribal Land Credits,” and then click on “ULS Application Instructions.”

Applicants indicating that they intend to serve a qualifying tribal land in any market(s) within the application will have an additional 90 days after the long-form application deadline within which to secure the necessary certifications from tribal authorities. Within this 90-day period, applicants must amend their application to provide the requisite tribal information and provide the applicant certification. Applicants seeking a tribal lands bidding credit for some, but not all, markets in which they were the high bidder are encouraged to submit two applications. One application will include markets in which the applicant intends to apply for a tribal lands bidding credit. The other application will include those markets in which the applicant is not seeking a tribal lands bidding credit.

Any applicant that intends to apply for tribal lands bidding credits must do so by the filing deadline for the long-form applications. Applicants will not be permitted to amend their applications after the filing deadline to indicate that they intend to seek a tribal lands bidding credit for a market. However, it is possible for applicants to amend an application to indicate that they no longer intend to seek tribal lands bidding credits in a particular market. Applicants that elect to seek the tribal lands bidding credit when they initially submit the long-form application, but then subsequently decide not to seek the credit, should amend their applications to delete the request for the tribal lands bidding credit.

**Amending the Long Form Application:** Within the 90-day period, the applicant must re-enter ULS to amend the long-form application. *See* 47 C.F.R. § 1.2110(f)(3)(ii).

- Enter the applicant's FRN and password **or** TIN/SGIN and password into the ULS Filing Screen.

Note: An FRN is required if accessing ULS on or after December 3, 2001. See page 2 to this attachment for additional information.

- Select "Amendment" from the drop-down list and click "Continue."
- Select the file number for the application to be amended.
- The system will display the first page of the long-form 601. If you are requesting a waiver pertaining to the tribal lands information or bidding credit, select "yes" for the third question on this page. Click "Continue" when done.
- ULS will present a table, the Schedule B, consisting of the markets selected by the applicant on the initial long-form application, along with the box indicating whether or not tribal lands bidding credit is being sought for the markets. Click "Continue."
- ULS will present a drop-down list consisting of the markets where a tribal lands bidding credit is being sought. Select the market for which you have tribal government certifications and click "Edit Tribal Lands."
- ULS also will provide the names of the federally recognized tribal lands in each market and the square kilometers of each tribal land within that market. For each market where a tribal lands bidding credit is being sought, the applicant must mark the tribal lands that it intends to serve and attach a signed, tribal government certification from each of the federally recognized tribal governments and an applicant certification. *See* "**Exhibit X: Tribal Government Certification**" and "**Exhibit Z: Applicant Certification.**"

ULS will calculate the bidding credit amount for each market automatically, according to the size (in square kilometers) of the tribal territory within the market, and in compliance with the bidding credit limit. *See* 47 C.F.R. § 1.2110(f)(3)(iii), (iv); *see also* In the Matter of Extending Wireless Telecommunications Services to Tribal Lands, *Report and Order and Further Notice of Proposed Rule Making*, 15 FCC Rcd 11794, 11803, at ¶ 25 (2000) ("*Tribal Lands Order*"). If multiple spectrum blocks are won in the same market, the winning bid amounts for the spectrum blocks serving tribal lands will be aggregated and the bidding credit limit will be applied against the aggregated amount. *See* Wireless Telecommunications Bureau Releases Additional Information Regarding the Procedures for Obtaining a Tribal Lands Bidding Credit and List of Tribal Lands, *Public Notice*, 15 FCC Rcd 24838, 24839 (2000) ("*Tribal Lands Public Notice*").

If the applicant is seeking a bidding credit in excess of the amount calculated pursuant to Section 1.2110(f)(3), the applicant must submit a waiver request, pursuant to Section 1.925 of the Commission's Rules. *See* 47 C.F.R. § 1.925. Each waiver request will be evaluated on a case-by-case basis. *See* “**Exhibit Y: Tribal Lands Waiver Requests.**”

#### **EXHIBIT X: TRIBAL GOVERNMENT CERTIFICATION**

Within the 90-day period, the applicant must amend its long-form application to provide the required tribal government certifications for each tribal land identified in the application. *See* 47 C.F.R. § 1.2110(f)(3)(ii)(A). The tribal government certifications **must be signed** by an officer, allotment owner(s), or corporate officer of the tribal lands, Indian allotment, or Alaska Native land, respectively, and uploaded as an Adobe Portable Document Format (PDF). Each tribal government certification should be attached separately by selecting Attachment Type “Tribal Government Certification” and entering “**Exhibit X: Tribal Government Certification**” in the Description Field on the Attachment Screen. In addition, the Description Field should indicate the market and tribal lands to which the certification pertains (*e.g.*, “Exhibit X: Tribal Government Certification (BEA140, Taos Pueblo”).

A tribal government certification must state that:

1. The tribal area to be served by the winning bidder is a federally-recognized Indian tribe's reservation, Pueblo, Colony, Alaska Native region, or Indian allotment, and has a wireline telephone subscription rate at or below seventy (70) percent;
2. The tribal government has not and will not enter into an exclusive contract with the applicant precluding entry by other carriers, and will not unreasonably discriminate among wireless carriers seeking to provide service on the qualifying tribal land; and
3. The tribal government will permit the applicant to site facilities and provide service on its tribal land.

*See* 47 C.F.R. § 1.2110(f)(3)(ii)(A)(1)-(3); *see also* *Tribal Lands Public Notice*, 15 FCC Rcd at 24840.

#### **EXHIBIT Y: TRIBAL LANDS WAIVER REQUESTS**

**Request for an additional bidding credit:** If the applicant is seeking a credit in excess of the amount calculated according to Section 1.2110(f)(3), the applicant must submit a waiver request, pursuant to Section 1.925 of the Commission's Rules. *See* 47 C.F.R. § 1.925; *see also* *Tribal Lands Order*, 15 FCC Rcd at 11805, ¶ 29. These waiver requests are subject to the percentage cap on tribal lands bidding credits, and waivers will not be granted in excess of the applicable cap. *See* *Tribal Lands Order*, 15 FCC Rcd at 11805, ¶ 29. This waiver request must demonstrate that the infrastructure costs exceed the amount of the standard bidding credit as calculated by ULS. *See id.* The applicant will need to supply a detailed showing of the projected infrastructure costs, including a certification by an independent auditor that the estimated costs are reasonable. *See id.* Each tribal land waiver request should be attached separately by selecting Attachment Type “Tribal Lands Waiver Requests” and entering “**Exhibit Y: Tribal Lands Waiver Requests**” in the Description Field on the Attachment Screen. In addition, the Description Field should indicate the market to which the waiver request pertains (*e.g.*, Exhibit Y: Tribal Lands Waiver Requests (BEA140)).



## **EXHIBIT Z: APPLICANT CERTIFICATION**

The applicant must attach a certification stating that it will comply with the buildout requirements set forth in § 1.2110(f)(3)(iv) of the Commission's Rules and that it will consult with the tribal government regarding the siting of facilities and deployment of service on the tribal land. *See* 47 C.F.R. § 1.2110(f)(3)(ii)(B).

### **V. FCC FORM 602**

A current FCC Form 602 must be on file, in paper form, with the Commission's office in Gettysburg, Pennsylvania by the filing deadline for the FCC Form 601. *See* 47 C.F.R. § 1.2107. If an applicant already has an FCC Form 602 on file and it is complete and accurate, it is not necessary to file another FCC Form 602. If the applicant does not have an FCC Form 602 on file or if its FCC Form 602 is no longer complete and accurate, the applicant **must** submit a new or updated FCC Form 602 so that it arrives at the Commission's Gettysburg office by the filing deadline for the FCC Form 601 (*i.e.*, it is not sufficient to mail the FCC Form 602 on last day of the FCC Form 601 filing period). Send all FCC Form 602s to:

**Federal Communications Commission  
Rear entrance 35 York Street  
Gettysburg, PA 17325**

For additional information about filing the FCC Form 602, see Wireless Telecommunications Bureau Answers Frequently Asked Questions Concerning Reporting of Ownership Information on FCC Form 602, *Public Notice*, 14 FCC Rcd 8261 (1999).

## Attachment F

### INSTRUCTIONS FOR USING ULS TO REGISTER FRN AND CALL SIGNS WITH FCC AND FILE FCC FORM 601 ELECTRONICALLY

Following are instructions for using the Universal Licensing System (ULS) to electronically receive an FCC Registration Number (FRN), register call signs with the FCC, and file the FCC Form 601. To perform either of these procedures, you must first reach ULS through the Internet (<http://wireless.fcc.gov/uls/>) or through a direct dial-up connection. (Attachment G describes how to establish a direct connection to the FCC Network using the Dial-Up Networking features of Windows 95/98.) Please note that after December 3, the FRN is mandatory for filing in ULS. See the instructions on Page 2 for complete information.

You may use Netscape Communicator (v. 4.5, 4.51, 4.61, 4.7, 4.75) or Internet Explorer (v. 5.5-6.2) browser software to electronically register and file FCC Form 601 through ULS. You can download Netscape Communicator free of charge by accessing the Netscape download site at <http://home.netscape.com/download/archive.html> . You may also download Internet Explorer at <http://www.microsoft.com/windows/ie/downloads/default.asp> .

#### Conventions

The instructions in this attachment use the following typographical conventions:

- |                           |   |
|---------------------------|---|
| <b>bold</b>               | Represents objects on the screen that you click with the mouse pointer, including buttons, Internet links, icons, tabs, menu items (e.g., <b>Cancel</b> button, <b>Auctions</b> link, <b>Save</b> option in the File menu).                                   |
| <i>italic</i>             | Represents field names or areas of a screen (e.g., <i>Licensee Name</i> field, <i>Applicant Information</i> area of a screen).  |
| <b><i>bold italic</i></b> | Represents characters that you must type exactly as they appear in the instructions. For example, if you are instructed to type <b><i>http://wireless.fcc.gov</i></b> you should type all of the characters shown in bold italic exactly as they are printed. |
| SMALL CAPS                | Represents keys on the keyboard (e.g., ENTER, CTRL, ESC).   |

## Registering FRN with the FCC Electronically

The FRN is mandatory for all filers logging in to ULS. Before filing FCC Form 601 electronically, the applicant must register with the Commission's Registration System (CORES).

If you have already received your FRN, proceed to the instructions for "Registering Call Signs with the FCC Electronically" or "Filing FCC Form 601 Electronically."

**Note:** If you are an existing ULS licensee prior to December 3, 2001, you may already have an FRN associated with your Taxpayer Identification Number (TIN). Go to License Search to determine the FRN of your existing call signs. If you are a new user accessing ULS for the first time after December 3, 2001, you must register with CORES to receive an FRN.

To receive your FRN in CORES, follow these steps:

1. Access the ULS home page by starting your web browser, typing *<http://wireless.fcc.gov/uls/>* in the location field, and pressing the ENTER key. (You may also establish a direct dial-up connection to ULS by using Dial-Up Networking in Windows. See Attachment G for complete instructions.)
2. Verify that Java and JavaScript are enabled in your web browser preferences. Additionally, the preferences must specify "Accept all cookies." Refer to your web browser Help facility for more information.
3. Once you have accessed the Universal Licensing System home page, click the **CORES/Call Sign** button.
4. On the next screen, select **Register Now**, then click the **Continue** button. ULS will automatically connect you to CORES so that you can receive an FRN.
5. On the next screen, identify whether you are registering as a business entity (e.g., corporation, partnership, government entity, etc.) or an individual. Click the desired option to select it, then click the **Continue** button to access the registration form.
6. If you are registering as an Entity, you will be asked for the following information:
  - Entity name, EIN (Employer Identification Number), and Type (Private Sector, Federal, State/Local or Foreign). If you choose to leave EIN blank, the system will ask you to provide a reason.
  - Business type (if private sector)
  - Entity contact information (Organization, Title, Name, Salutation, Country)
  - Entity contact address (Street Address, PO Box, City, State, Zip, Email, Phone, and Fax)
7. If you are registering as an Individual, you will be asked for the following information:

- Salutation, Name, Doing Business As or Trading As Name, and Social Security Number. If you choose to leave the SSN blank, the system will ask you to provide a reason.
- Entity contact information (Organization, Title, Name, Salutation, Country)
- Entity contact address (Street Address, PO Box, City, State, Zip, Email, Phone, and Fax)

Click the **Help** link on any page for additional information on completing your registration with CORES.

8. After you enter your information, CORES will present you with a screen to review your information – you may modify if necessary by clicking on the appropriate **Modify** button.
9. The Review Information screen will also ask you to specify a password and a password hint.

Basic guidelines for selecting your password:

- Specify a password that you will be able to remember easily. For security purposes, avoid selecting an obvious password that someone else could easily guess, such as spouse's name, child's name, etc.
  - Your password must be at least 6 characters but no more than 15 characters.
  - You may use letters, numbers, or symbols in your password.
  - Write down your password and keep it in a secure place.
  - Note that your password is case sensitive. For example, if you specify “station” (lowercase) as your password, you must always enter “station” in lowercase during ULS login. “Station” or “STATION” will not be accepted.
10. Re-enter your password in the *Confirm Password* field. This entry must be an exact replication of the password entered in the *New Password* field.
  11. Enter a word or phrase for your *Password Hint*. This is a word or phrase that you select to help you remember your password. For instance, if you select Snappy (your dog's name) as your password, you may want to use ‘my dog’ for a password hint.
  12. When you have completed the registration form, click the **Submit Registration** button.
  13. A confirmation page screen will then give you your FRN, password, and password hint. You may wish to print this page for further reference.
  14. To return to ULS immediately, and associate call signs with your FRN, click on the **ULS** link. At the next screen, you have three choices:
    - Click on **Call Sign/ASR Registration** to reach the ULS Call Sign/ASR Registration login screen, already prefilled with your FRN. Enter your password to continue. See the instructions below for “Registering Call Signs IN ULS.”

- Click on ***ULS Online Filing*** to reach the ULS Online Filing login screen, already prefilled with your FRN. Enter your password to continue. See the instructions below for “Filing Form 601 Electronically.”
- Click on ***ASR Online Filing*** to reach Antenna Structure Registration (ASR) online filing.

### **Registering Call Signs in ULS**

After you have registered with the FCC and received your FRN, you may associate your call signs in ULS with your FRN. Please note that your call signs must not already be associated with an FRN. If you do not need to register your call signs, proceed to the instructions for “Filing Form 601 Electronically.”

1. Access the ULS home page by starting your web browser, typing ***http://wireless.fcc.gov/uls/*** in the location field, and pressing the ENTER key. (You may also establish a direct dial-up connection to ULS by using Dial-Up Networking in Windows. See Attachment G for complete instructions.)
2. Click the **CORES/Call Sign** button.
3. Follow the instructions on the screen to select a call sign entry method. Note: You must use the **Upload Call Signs** option if you have **more than 100 call signs**.

If you do not have any call signs to register, click the **Continue** button.

Click the **Help** button for additional call sign entry instructions.

4. A screen appears requesting you to identify the call signs (if any) to be associated with your FRN. Even though you already have licenses issued by the FCC Wireless Telecommunications Bureau, you must identify to the ULS the call signs that are to be associated with your FRN. After entering your call signs, click the **Submit** button.
5. When your registration has been successfully submitted to the FCC, a confirmation message screen appears: “Your Call Sign/ASR Information Has Been Updated.”

***Important:*** Your call signs have not been successfully submitted to the ULS unless this confirmation screen appears.

6. From the confirmation screen, click the **Home** button to return to the ULS home page, or the **Registration Menu** button to register more FRNs or call signs..

***Note:*** *If the applicant is owned by a Real Party in Interest, the FRN of that entity must also have been registered with the FCC.*

## Filing FCC Form 601 Electronically

After the applicant is registered with the FCC, the FCC Form 601 can be filed electronically. Do the following:

1. Access the ULS home page by starting your web browser, typing ***http://wireless.fcc.gov/uls/*** in the location field, and pressing the ENTER key. (You may also establish a direct dial-up connection to ULS by using Dial-Up Networking in Windows. See Attachment G for complete instructions.)
2. Click the **Online Filing** button.

**Note:** The Online Filing function of ULS utilizes the Smart Update feature of your web browser. Smart Update downloads Java files that will enable your system to communicate securely with ULS. For these files to operate correctly, you must grant permission for these files to be downloaded and installed on your system. Currently, these Java files are only compatible with the Microsoft Windows operating system.

The Smart Update process is completed the first time you enter ULS Online Filing and updates automatically approximately once every two months.

Please also note that a **Java Plug-In** is required for filing certain ULS application purposes, as well as using the Query Download function in ULS License and Application Search. The system automatically will prompt you to download and install the Java Plug-In the first time you file in ULS. Please see <http://wireless.fcc.gov/uls/support/gettingconnected.html> for more information on this feature.

3. At the ULS Online Filing login screen, enter the applicant's FRN and password. Then click on **Continue**.

**Note:** You may also enter your TIN/SGIN and password. We will verify you have a valid FRN associated with your TIN/SGIN, or otherwise prompt you to obtain an FRN through CORES). You must have an FRN to proceed with online filing. If you were an existing licensee in ULS prior to December 3, 2001, you may already have an FRN – use ULS License Search to determine if you have an FRN.

Please contact Technical Support at (202) 414-1250 if you have any difficulties connecting to ULS.

4. Click the **Continue** button. If you enter an incorrect FRN, TIN/SGIN, and/or password, an error message will appear. You must then type the correct information and click **Continue** again.
5. After you have entered your FRN or TIN/SGIN and password correctly, you will see one of the following screens:
  - If you have completed applications filed within this business day for non-auctionable applications or within the initial filing window for New auctionable applications, or you have existing incomplete applications, a work-in-progress screen appears listing these applications. You may finish an incomplete application or modify a completed application

by clicking on it. Once the application is opened, follow the “Basic Guidelines for Filing Form 601 Online” in Step 8. To create a new application to submit, click the **Select New Filing** button.

- If you do not have existing incomplete applications or completed applications filed this business day for non-auctionable applications or filed within the filing window for New auctionable applications, a screen appears requesting you to select an application purpose.
6. Click the down-arrow button at the end of the *Purpose of Application* field to obtain the drop-down menu, and click on New for the purpose of filing. Click on **Continue** to proceed.
  7. Select the appropriate auction ID **or** radio service code and click on **Continue**.
  8. The ULS screens will guide you through the filing process specific to your purpose of application. Basic filing guidelines for filing Form 601 are provided below. See Attachment E for further information on Form 601.

Click the ? (Help) button at any time for specific filing instructions for each application purpose.

*Basic Guidelines for Filing Form 601 Online:*

- Some of the data entry fields on the online application form may be prefilled with information from the Form 175 process for auctionable applications.
  - The online application consists of data entry fields as well as “yes or no” questions. You must respond to all of the “yes or no” questions on the application. If you respond Yes to a question, you may be required to file an attachment explaining the specific circumstances (see form for specific instructions).
  - An **Attachments** button is provided for uploading attachment files. You are responsible for filing all required attachments.
  - If you have entered any incomplete or erroneous information, an Errors screen lists the errors. Click **Return**, make your corrections, then click **Continue** again. You can **Save** your application and complete it at a later date, if necessary. Saved applications must be completed within 30 days. (Applications for auctionable services must be completed within the specific filing window of the auction.)
  - Prior to submitting an application, you may click the **Print Preview** button (where available) to create a preview of your completed application.
9. When your application has been successfully submitted to the FCC, a confirmation message screen appears. This screen shows a file number for the application. **Important:** Your application has not been successfully submitted to the FCC unless you have received a file number assigned by ULS.
  10. To print a copy of the submitted application:

- a. Click the **Print Preview** button to see the formatted version of the application.

Note that the file number is at the top of the form. If there is no file number present, this application has not been successfully submitted to the FCC.

- b. A separate browser window will display the formatted application. Print the application by clicking your browser's **Print** button.

- b. To return to the confirmation screen, close the Print Preview window

11. From the confirmation screen, you can click the **Home** button to return to the ULS home page or the **Login** button if you wish to log in again submit another application. The **File Another Application** button will return you to the work-in-progress screen described in Step 6.

### Changing an Application

Once you have submitted an application to the FCC, but the FCC has not yet granted your requested licenses, you can still make changes to that application. Use ULS to change a pending application before or after the FCC Form 601 filing deadline, as follows:

- To make changes to a pending application at any time **before the 6:00 P.M. ET filing deadline on February 5, 2002**, perform the preceding Steps 1 through 6. When the screen listing pending applications appears, find the entry for the application you want and click that entry. The pending application will appear, and you can change it and then submit the updated version.
- To make changes to a pending application **after the 6:00 P.M. ET filing deadline on February 5, 2002**, perform the preceding Steps 1 through 6. When the Purpose of Application screen appears, obtain the drop-down menu and select **Amendment**, then click the **Continue** button. On the next screen, obtain the drop-down menu on the *File Number* box, select the file number for the application you want to amend, and then click the **Continue** button. The pending application appears, and you can change it and then submit the amended version.

**Important:** FCC rules contain limitations on filing of major amendments after the **February 5, 2002** deadline that may affect the applicant's legal rights. Acceptance of an amendment by the ULS does not indicate that the amendment is allowed under the rules. Applicants are advised to consult FCC rules in this regard prior to filing an amendment. Once the FCC has granted a request for a license, you can change that license by requesting a modification. To begin, perform the preceding Steps 1 through 6. When the Purpose of Application screen appears, obtain the drop-down menu and select **Modification**, then click the **Continue** button. On the next screen, obtain the drop-down menu on the *Call Sign* box, select the call sign for the license you want to modify, and then click the **Continue** button.

### Technical Support

For technical assistance with installing or using FCC software, contact the FCC Technical Support Hotline at (202) 414-1250 (voice) or (202) 414-1255 (TTY). The FCC Technical Support Hotline generally is available Monday through Friday from 7 a.m. to 10 p.m. ET, and Saturday 8 a.m. to 7:00 p.m. ET, and Sunday 12:00 p.m. to 6 p.m. ET. Closed all government holidays. All calls to the FCC Technical Support Hotline are recorded.



## Attachment G

### ACCESSING THE FCC NETWORK USING WINDOWS 95/98/2000 FOR ULS FILING

This attachment describes how to use Windows 95/98 Dial-Up Networking to establish a direct connection from your PC to the FCC Network and the Universal Licensing System (ULS) in order to file or review the Form 601. This involves configuring dial-up network access and then performing the direct dial-up procedure. *This point-to-point connection is not routed through the Internet.*

Please note that a direct dial-up connection is **not** required to perform ULS online filing. You may file or review Form 601 on the Internet by entering <http://wireless.fcc.gov/uls> on your Web browser and clicking the **Online Filing** button.

#### Conventions

The instructions in this section use the following typographical conventions:

- bold** Represents objects on the screen that you click with the mouse pointer, including buttons, Internet links, icons, tabs, menu items (e.g., **Cancel** button, **Auctions** link, **Save** option in the File menu).
- italic* Represents field names or areas of a screen (e.g., *Applicant* field, *Selected Licenses* area of a screen).
- bold italic*** Represents characters that you must type exactly as they appear in the instructions. For example, if you are instructed to type ***http://wireless.fcc.gov/uls***, you should type all of the characters shown in bold italic exactly as they are printed.
- SMALL CAPS Represents keys on the keyboard (e.g., ENTER, CTRL, ESC).

**Note:** Throughout these instructions, “enter” means to type the appropriate information and then press the ENTER key.

## Hardware and Software Requirements

To connect to the FCC Network using Windows 95/98 Dial-Up Networking requires *at a minimum* the following hardware and software:

### **Hardware Requirements**

- CPU: Pentium or above
- RAM: 32 MB (more recommended if you have multiple applications open)
- Monitor: VGA or above
- Modem: 28.8 Kbps, Hayes-compatible or faster (recommend 56.6 Kbps)
- Mouse or other pointing device

### Software Requirements

- Web browser software is required. You may use Netscape Communicator (v. 4.5, 4.51, 4.61, 4.7, 4.75) or Internet Explorer (v. 5.5-6.2) browser software to electronically register and file FCC Form 601 through ULS. You can download Netscape Communicator free of charge by accessing the Netscape download site at <http://home.netscape.com/download/archive.html> . You may also download Internet Explorer at <http://www.microsoft.com/windows/ie/downloads/default.asp> .
- Microsoft Windows 95/98

*Note:* If you are running Windows in a networked environment, check with your local network administrator for any potential conflicts with the Windows 95/98 Dial-Up Networking. This usually includes any TCP/IP installed network protocol.

- Adobe Acrobat 4.0 Reader (or higher) is recommended as a plug-in to your browser. This provides a viewer for displaying files related to applications, such as attachments and exhibits. For best results, install the plug-in after you have installed the desired web browser. This will allow the plug-in to be fully integrated within the browser window.

To download Adobe Acrobat version 4.0 or higher, access the Acrobat download site at <http://www.adobe.com/support/downloads/main.html> .

## Configuring Dial-Up Networking

1. To start dial-up networking:
  - a. Click the Windows 95/98 **Start** button.
  - b. Click the **Programs** option to display the Programs menu.
  - c. Click the **Accessories** option to display the Accessories menu.
  - d. In Windows 95, click **Dial-Up Networking**.  
In Windows 98, click **Communications**, then **Dial-Up Networking**.

If Dial-Up Networking is not an option on your Accessories menu, you should install it from your Windows 95/98 CD or diskettes.

2. When the Dial-Up Networking window appears, double-click the **Make New Connection** icon.

The Make New Connection window appears.

3. In the field entitled *Type a name for the computer you are dialing*, type **ULS at FCC**.
4. In Windows 95, click the down arrow at the right of the *Select a modem* field and select your modem from the menu of available modems.

In Windows 98, click the down arrow at the right of the *Select a device* field and select your modem from the menu of available devices.

If your modem does not appear on this list, you must install your modem driver according to the modem manufacturer installation procedures, which are usually described in your modem's user manual.

5. Click the **Configure** button. Click the **Options** tab at the top of the Properties window.
6. In the *Connection control* area of the **Options** tab, verify that **neither** option is selected. If either option is selected, click the check box at the left of the option to deselect it. Then click the **OK** button.
7. Click the **Next** button.
8. Type **800** in the *Area Code* field and **844-2784** in the *Telephone Number* field. Verify that the correct country is selected in the *Country code* field. If necessary, click the down arrow at the right of the *Country code* field and select the appropriate country from the menu of available countries.
9. Click the **Next** button.
10. Click the **Finish** button. An icon titled **ULS at FCC** appears in the **Dial-Up Networking window**.

11. Verify that properties are configured correctly before attempting a dial-up session. Position the mouse pointer on the **ULS at FCC** icon and click the *right* mouse button to display a menu. Select **Properties** from the menu.
12. Click the **Server Types** tab at the top of the Properties window.
13. In the *Advanced Options* area, verify that only *Enable software compression* is selected.  
  
If it is not selected, click the check box at the left of the option to select it. If either of the other options is selected, click the check box to deselect it.
14. In the *Allowed Network Protocols* area, verify that only *TCP/IP* is selected.  
  
If it is not selected, click the check box at the left of the option to select it. If either of the other options is selected, click the check box to deselect it.
15. Click the **TCP/IP Settings** button. In the **TCP/IP Settings** window, confirm that the *Server assigned IP address* option is selected. Then, in the section beneath, select *Specify name server addresses*.
16. Type **192.104.54.1** as the *Primary DNS*.  
  
Make sure that these two options are checked:
  - Use IP header compression
  - Use default gateway or remote network
17. Click **OK** on the **TCP/IP Settings** window and the **Server Type** window.
18.
  - a. Click the Windows 95/98 **Start** button, then click the **Settings** option to display the Settings menu.
  - b. Click **Control Panel** and then double-click the **Network** icon.
  - c. In the *Configuration* tab of the **Network** window, select *TCP/IP* and click the **Properties** button. (If there are multiple TCP/IP protocols, select *TCP/IP*, then highlight *Dial-Up Adapter* and click **Properties**.)
  - d. Click the *DNS Configuration* tab.
  - e. Select *Enable DNS*. Type **bidder** in the *Host* box, type **fcc.gov** in the *Domain* box, then type **192.104.54.1** in the DNS Server Search Order box and click the **Add** button.
  - f. Click **OK** on the TCP/IP Properties windows, then click **OK** on the **Network** window.
  - g. If you are prompted to restart your computer, click **Yes** to restart, then begin the Dial-Up Procedure.

## Dial-Up Procedure

1. If the Dial-Up Networking window is not currently open, do the following:
  - a. Click the Windows 95/98 **Start** button.
  - b. Click the **Programs** option to display the Programs menu.
  - c. Click the **Accessories** option to display the Accessories menu.
  - d. In Windows 95, click **Dial-Up Networking**  
In Windows 98, click **Communications**, then **Dial-Up Networking**.

The Dial-Up Networking window appears.

2. Double-click the **ULS at FCC** icon in the Dial-Up Networking window.
3. Click the **Connect** button on the window. *Do not enter User name and Password.*

The Connecting window appears, indicating the status of your connection as your modem dials into the system. This window must remain running during your dial-up session. You may minimize the window, if you wish.

If your modem fails to establish a connection, please see the *Troubleshooting* section below.

4. Once the connection is established, open your Web browser.
5. In your browser's location field, enter ***http://wireless.fcc.gov/uls/***

If nothing appears in your Web browser, see the *Troubleshooting* section below.

6. When you have finished, exit the Web browser, then click the **Disconnect** button on the Connecting window to end your dial-up session.

## Troubleshooting

Following are problems you may encounter and possible solutions for resolving or isolating them.

### ***Modem does not respond***

1. Confirm that all physical connections for the modem are present.
2. Confirm that the phone line is active by connecting it to a telephone and checking for a dial tone.
3. Confirm that the correct modem driver is installed for your modem.

### ***Modem dials but does not connect***

1. Confirm that the number the modem is dialing is correct.
2. Confirm that the modem prefix, if any, is correct.

### ***Modem dials and connects, but nothing appears when you enter the location in the Web browser***

1. Check the settings in your dial-up networking icon, particularly that the *Primary DNS* is **192.104.54.1** and that *TCP/IP* is the only selected protocol.
2. Confirm that your web browser is not using proxies; it should be set to “direct connection to the Internet”.
3. If you do log into a TCP/IP LAN, confirm that your LAN network IP address is being released.

To do so, connect to the FCC Network using dial-up networking, then click the **Start** button in Windows 95/98 and select **Run**. Type **winipcfg** and press **OK**. If your IP address does not begin with “192.104.”, then your LAN IP address is not being released. Click the **Release All** button, or consult your LAN administrator.

### ***Receive an Internal Server error in the Web browser***

1. Confirm that the address entered in the location field is correct (***http://wireless.fcc.gov/uls***).
2. Confirm that *Java* and *JavaScript* are enabled in your Web browser, and confirm that *Cookies* is set to Accept All.

## **Help**

For technical assistance with installing or using FCC software, contact the FCC Technical Support Hotline at (202) 414-1250 (voice) or (202) 414-1255 (TTY). The FCC Technical Support Hotline generally is available Monday through Friday from 7 a.m. to 10 p.m. ET, and Saturday 8 a.m. to 7:00 p.m. ET, and Sunday 12:00 p.m. to 6 p.m. ET. Closed all government holidays. *All calls to the FCC Technical Support Hotline are recorded.*