

Multiple Address Systems Spectrum Auction
Auction No. 59 Seminar

Tribal Lands Bidding Credits

**Extending Wireless Services to
Tribal Lands**

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Tribal Lands Bidding Credits

- Credits given to winning bidders in Commission spectrum auctions who deploy facilities on and provide services to qualifying tribal lands.
- A qualifying tribal land is any federally recognized tribal area that has a wireline telephone penetration rate equal to or less than 85 percent.

Method of Calculation

- The Commission awards:
 - \$500,000 for the first 200 square miles (518 square kilometers) of qualifying tribal land; and
 - \$2500 for each additional square mile (2.59 square kilometers).

Bidding Credit Limit

- Maximum limit placed on credits.
- For gross bid amounts of \$1 million or less, the cap will be 50 percent of the gross bid.
- For gross bid amounts of greater than \$1 million, but less than or equal to \$2 million, the cap will be \$500,000.
- For gross bid amounts exceeding \$2 million, the cap will be 35 percent of the gross bid.

Increased Bidding Credits

- Waiver requests for a higher bidding credit will be considered by the Commission, pursuant to rule § 1.925
- Applicant must demonstrate that its infrastructure costs exceed the available credit under the formula.
- Such requests will be subject to the applicable bidding credit cap.

Applying for Tribal Lands Bidding Credits

- Applicant indicates each market for which they seek tribal lands bidding credits on their long-form by the 601 filing deadline.
- Applicants are allowed 180 calendar days to amend their long-forms and attach the required certifications.

Required Certifications

- Required certifications consist of:
 - Tribal Government Certification
 1. It will allow the applicant to site facilities and provide service on its tribal land(s), in accordance with FCC rules;
 2. It has not and will not enter into an exclusive contract with the applicant precluding entry by other carriers, and will not unreasonably discriminate against any carrier; and
 3. Its tribal land is a qualifying tribal land as defined by the FCC rules, *i.e.* areas that have a telephone penetration rate at or below 85 percent.
 - Applicant Certification
 - It will consult with the tribal government about siting facilities and providing service on its land; and
 - It will comply with the three-year buildout requirement.

Construction Requirement

- In order to verify compliance with the tribal lands buildout requirement, licensees are required to file a notification of construction (FCC Form 601, Schedule K)
- Must be filed at the conclusion of the three-year buildout period.
- Must state that they have constructed and are operating a system that covers 75 percent of the population of the qualifying tribal land.

Repayment

- If the certification is not filed or if the buildout requirement is not met, the licensee must repay the bidding credit amount plus interest.
- Repayment is due 30 days after the conclusion of the three-year buildout requirement.
- Failure to repay will result in automatic termination of the license.

Transfers and Assignments

- Transfers of Control or assignments of licenses that received tribal lands bidding credits is permitted
- Obligations of license automatically transfer to assignee
- If partitioning a license, transfer of TLBC allowed only if tribal land is "wholly contained" within either the original or partitioned area.

Further Information

- See:

- 47 C.F.R. § 1.2110(f)(3).
- Winning Bidder/Closing Public Notice
- Auction Website www.fcc.gov/wtb/auction
(select the link for "Info on Tribal Land Bidding Credit")

- Contact:

- Michael Connelly, phone: (202) 418-0132, or
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Tribal Lands Bidding Credits

THE END

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