

Licensing Matters

Phase II 220 MHz Service (Auction No. 72)

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Disclaimer

Nothing herein is intended to supersede any provision of the Commission's rules or public notices. These slides should not be used as a substitute for a prospective applicant's review of the Commission's relevant orders, rules, and public notices. Prospective applicants must familiarize themselves thoroughly and remain current with the Commission's rules relating to the Phase II 220 MHz Service, rules relating to application and auction procedures, and the procedures, terms and conditions contained in the Auction No. 72 public notices.

Post-Auction Process - Brief Overview

- **Bidding ends**
- **FCC releases Auction 72 Closing Public Notice**
- **10 business days after auction closing notice – Long-form applications & down payments due**
- **10 business days after down payments due – Final payments due**

Bidding Credits

- **Designated entity bidding credits available to:**
 - “Small business” – with gross revenues \$3-15 million, receive 25% discount on winning bid
 - “Very small business” – with gross revenues that do not exceed \$3 million, receive 35% discount on winning bid
 - See section 1.2110 of Commission’s rules
- **Unjust Enrichment –see section 1.2111**
- **Tribal lands bidding credit**
 - See sections 1.2107(e) & 1.2110(f) of Commission’s rules
 - More on these credits in later slides

Due Diligence

- *Applicant responsibility.* Applicants should perform their individual due diligence before proceeding as they would with any new business venture. Applicants are solely responsible for identifying associated risks and for investigating and evaluating the degree to which such matters may affect their ability to bid on, otherwise acquire, or make use of licenses available in the Auction.

Due Diligence

- *Pending proceedings.* Applicants should also be aware that certain pending and future applications (including those for license modification), petitions for rulemaking, requests for special temporary authority, waiver requests, petitions to deny, petitions for reconsideration, informal oppositions, and applications for review before the Commission may relate to particular applicants or incumbent licensees or the licenses available in this auction.
- In addition, pending and future judicial proceedings may relate to particular applicants or incumbent licensees, or the licenses available in the auction.

Due Diligence

- *Pending proceedings (cont'd).* Applicants are responsible for assessing the likelihood of the various possible outcomes, and considering their potential impact on spectrum licenses available in this auction.
- **Technical.** Applicants are solely responsible for checking the suitability of the spectrum in the areas to be licensed, the potential for receiving or causing interference, and the general feasibility of using that spectrum for planned operations and meeting applicable requirements.

References & Disclaimer

- FCC home page
 - <http://www.fcc.gov>
- 220 MHz Band auction website:
 - <http://wireless.fcc.gov/auctions/72>
- ***This presentation is provided only as informal staff information and assistance; it is not legal advice, nor is it binding on the WTB or FCC.***

Questions?

- **Technical or legal issues on licensing:**
 - Gary Devlin (engineer) 717-338-2618
 - Allen Barna (legal) 202-418-0620
- **ULS or other filing issues:**
 - Bettye Woodward 202-418-0620
- **Legal issues regarding auction:**
 - Howard Davenport 202-418-0660
- **General auction questions:**
 - Roy Knowles or Barbara Sibert 717-338-2868