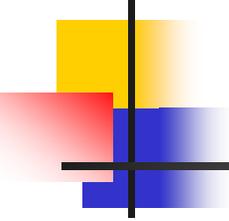


*Applications to Participate:
Required Information*

Broadband Radio Service Auction
(Auction 86)

Sayuri Rajapakse, Attorney, ASAD

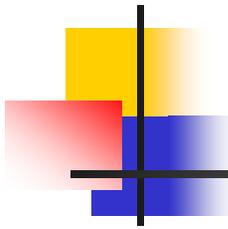


Disclaimer

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, orders, and public notices relating to Broadband Radio Service, rules relating to application and auction procedures, and the procedures, terms and conditions contained in the Auction 86 public notices.



Detailed Instructions and Questions

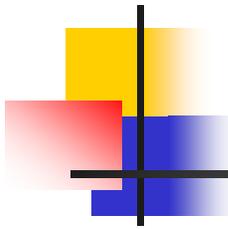


Detailed instructions are provided in Public Notice DA 09-1376, Attachment C, released June 26, 2009

If you're viewing this presentation over the web, please feel free to email your questions to...

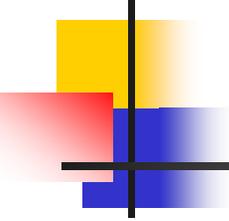
auction86@fcc.gov





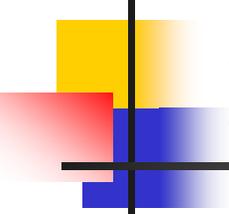
Important Dates

- Short-form application filing deadline is Tuesday, August 18, 2009 at 6:00 PM ET
- Upfront payments are due Thursday, September 24, 2009 by 6:00 PM ET



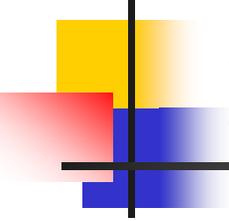
What is a Short-Form Application?

- Each applicant must file a short-form application in order to participate in an FCC auction.
- Each applicant must make required certifications in order to participate in the auction.
- Applicants must provide accurate information and maintain the accuracy of the information.



What information is required to complete your short-form application?

- Applicants must tell the Commission:
 - What they want (which licenses);
 - Who they are (including who has ownership interests in the applicant);
 - Which individuals speak for the applicant (contact party and bidders);
 - Whether they claim a small business bidding credit;



What information is required to complete your short-form application? (Cont'd)

- Applicants must tell the Commission:
 - With whom they have agreements regarding auctioned licenses;
 - Whether the applicant or related parties formerly defaulted on Commission licenses or have been delinquent on non-tax Federal debt;
 - That they comply with all applicable rules.

Logged In: FRN 0010845105 ([Log Out](#))

Applicant: **Bidder One Corporation**
 Initial Filing Closes: **03/16/2007 6:00 PM (ET)**
 Status: **Not Submitted**

Auction 101

Sample SMR Auction

[Summary](#) [Attachments](#) [Print Preview](#) [Help](#) [Quit](#)

Certify & Submit

Certify Auction Application

By clicking the "Submit" button below, I certify the following:

- (1) that the applicant is legally, technically, financially, and otherwise qualified pursuant to 308(b) of the Communications Act and the Commission's Rules and is in compliance with the foreign ownership provisions contained in Section 310 of the Communications Act.
- (2) that the applicant is the real party in interest in this application and that there are no agreements or understandings other than those specified in this application, which provide that someone other than the applicant shall have an interest in the license.
- (3) that the applicant is aware that, if upon Commission inspection, this application is shown to be defective, the application may be dismissed without further consideration, and certain fees forfeited. Other penalties may also apply.
- (4) except as explicitly provided in the Commission's Rules, that the applicant has not entered into and will not enter into any explicit or implicit agreements or understandings of any kind with parties not identified in this application regarding the amount to be bid, bidding strategies or the particular license on which the applicant or other parties will or will not bid.
- (5) that the applicant, or any party to this application, is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.
- (6) that if a bidding credit eligibility is claimed, the applicant is eligible for any special provisions set forth in the Commission's Rules applicable to this auction and consents to audits, as set forth in the Commission's Rules, to verify such status.
- (7) that the applicant is and will, during the pendency of its application(s), remain in compliance with any service specific qualifications applicable to the licenses on which the applicant intends to bid including, but not limited to, financial qualifications.
- (8) that the applicant is not in default on any payment for Commission licenses and that it is not delinquent on any non-tax debt owed to any federal agency.

I declare, under penalties of perjury, that I am an authorized representative of the above named applicant for the license and/or licenses specified above, that I have read the instructions and the foregoing certification and all matters and things stated in this application, its schedules and attachments, including exhibits, are true and correct.

Signature

Person Certifying:

Signature:

Title:

Steps

- Applicant Information
- License Selection
- Agreements
- Ownership
- Summary

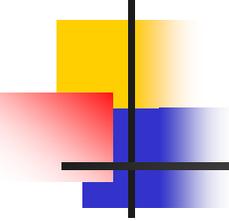
▶ **Certify & Submit**

Common Questions

- [What if I certify and any of the certifications are false?](#)
- [When is my data saved during the data entry process?](#)
- [What is the difference between a warning and an error?](#)
- [Is it necessary to read all of these certifications?](#)
- [Who is authorized to certify?](#)
- [After I fill out my application electronically, is it automatically submitted to the FCC?](#)
- [Can I change information after I submit Form 175?](#)
- [After I submit my Form 175 once, are any later changes automatically submitted to the FCC?](#)

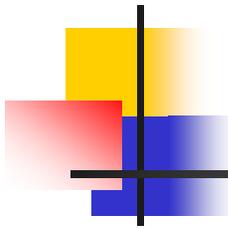
◀ BACK

SUBMIT



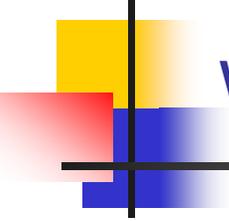
Applicant's Certifications

- Compliance with foreign ownership provisions of Section 310 of the Communications Act.
- No current defaults on Commission licenses or delinquencies on non-tax federal debt.
 - “Applicant” includes the applicant’s controlling interests and affiliates (of both the applicant and controlling interests).
 - Check the FCC’s “red light” database.
 - Resolve any outstanding “red light” issues prior to filing.



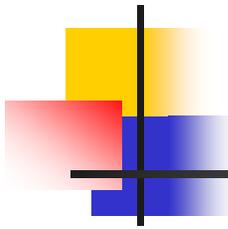
Former defaults and delinquencies

- Applicants must state whether they have any former, *i.e.*, since cured, defaults on Commission licenses or delinquencies on non-tax Federal debt.
- A higher upfront payment is required by applicants with former defaults or delinquencies.



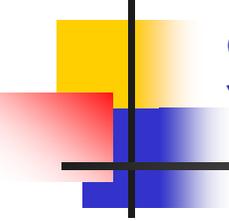
Prohibition on Certain Communications with Competing Applicants

- Section 1.2105(c) prohibits applicants for licenses covering overlapping geographic areas from communicating with each other in any manner.
- The prohibition applies from application deadline to post-auction down payment deadline.
- Exceptions include communications with parties to agreements disclosed in the short-form application.
- The Commission notifies applicants for overlapping licenses under anonymous bidding procedures.



Disclosing Agreements

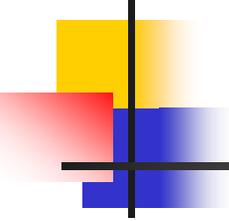
- Applicants must list all parties with whom the applicant has entered into understandings of any kind relating to the licenses being auctioned.
- Applicants should consider any tacit understandings, including overlapping relationships between auction “applicants,” such as, officers, directors, and certain owners.



Reporting Potential Violations of Section 1.2105(c)

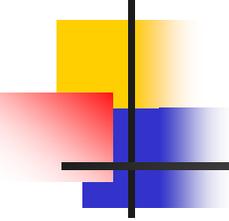
Applicants must:

- report any potentially prohibited communication made or received.
- follow Procedures Public Notice guidance.
- consult with Auctions Division staff in advance.



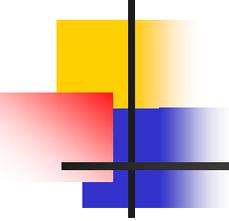
Applicant Identity and Ownership Information

- Each applicant is required to disclose:
 - All real parties in interest (“Disclosable Interest Holders” or “DIH’s”)
 - All parties having a 10% or greater interest in the applicant (“Disclosable Interest Holders” or “DIH’s”)
 - All FCC-regulated entities of which the applicant or its owners own 10% or more (“FCC Regulated Businesses” or “FRB’s”)



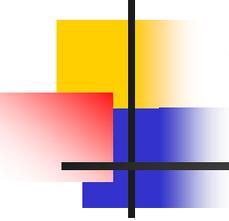
Who is Eligible for Bidding Credits?

- An applicant can claim a discount if its aggregate attributable average gross revenues for the last three years:
 - Exceed \$15 million and do not exceed \$40 million (small business) – 15%
 - Exceed \$3 million and do not exceed \$15 million (very small business) – 25%
 - Do not exceed \$3 million (entrepreneur) – 35%



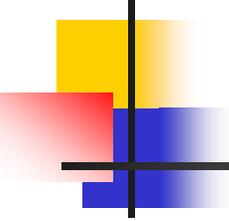
Bidding Credits: How to Establish Eligibility

- Determine attributable gross revenues of the applicant and related parties, which include:
 - the applicant,
 - its affiliates,
 - its controlling interests,
 - affiliates of its controlling interests, and
 - entities with which it has an attributable material relationship.
- Only the last 3 years are considered.
- An applicant with an “impermissible material relationship” is ineligible for the award of designated entity benefits.



Bidding Credit Eligibility: What is an Affiliate?

- Any individual or entity that:
 - directly or indirectly controls or has the power to control the applicant; or is
 - directly or indirectly controlled by the applicant; or is
 - directly or indirectly controlled by a third party that also controls or has the power to control the applicant.
- Control may be established through facts, including the existence of an identity of interest or common management with the applicant.



Bidding Credit Eligibility: Material Relationships

- “Attributable material relationship” -- when an applicant has one or more agreements with any individual entity, including entities and individuals attributable to that entity, for the lease (under either spectrum manager or de facto transfer leasing arrangements) or resale (including under a wholesale arrangement) of, on a cumulative basis, more than 25% of the spectrum capacity of any individual license that is held by the applicant or licensee.
- “Impermissible material relationships” -- if an applicant has agreements with one or more other entities for the lease (under either spectrum manager or de facto transfer leasing arrangements) or resale (including under a wholesale arrangement) of, on a cumulative basis, more than 50% of its spectrum capacity of any individual license, then it is ineligible for the award of designated entity benefits.