

Broadband Radio Service
Auction 86 Seminar

Tribal Lands Bidding Credits

**Extending Wireless
Services to Tribal Lands**

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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, 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.



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.
- See 47 C.F.R. 1.2110(f)(3)(i)

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).
 - See 47 C.F.R 1.2110(f)(3)(iii)

Limit on Credit Awards

- 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
- See 47 C.F.R. 1.2110(f)(3)(iv)

Increased Bidding Credit

- The Commission has stated it would consider a waiver request for a higher bidding credit where an applicant shows that its infrastructure costs exceed the available credit under the formula.
- Conditions set out in First Report and Order.

Applying for Tribal Lands Bidding Credit

- Must express intent on long-form application (the Form 601) by the filing deadline.
- 180 calendar days for amendments and certifications.
- See 47 C.F.R. 1.2110(f)(3)(ii)

Required Certifications

- **Tribal Government Certification**
- **Applicant Certification**

See 47 C.F.R. 1.2110(f)(3)(ii)

Construction Requirement

- Notification of construction (via Universal Licensing System)
- File no later than 15 days from the end of the three-year buildout period
- See 47 C.F.R. 1.2110(f)(3)(vii)

Repayment

- Licensee must repay the bidding credit amount plus interest if it does not meet buildout requirement or file notification of construction.
- Repayment due no later than 30 days after buildout deadline.
- Failure to repay results in automatic termination of license.
- See 47 C.F.R. 1.2110(f)(3)(viii)

Transfers and Assignments

- Obligations of the license automatically transfer to the transferee or assignee.
- If partitioning, the tribal land must be "wholly contained" within one of the areas and the bidding credit goes with the area covering the tribal lands.

Further Information

- See:
 - 47 C.F.R. § 1.2110(f)(3).
 - Winning Bidder/Closing Public Notice for Auction 86
 - Auction Website <http://wireless.fcc.gov/auctions>
(select the link for "Info on Tribal Land Bidding Credit")
 - <http://factfinder.census.gov>
- Contact:
 - Michael Connelly, phone: (202) 418-0132, or email: michael.connelly@fcc.gov