

**SHORT-FORM APPLICATION (FCC FORM 175) FILING INSTRUCTIONS FOR  
AUCTION 101 AND AUCTION 102**

**I. INTRODUCTION**

1. An application to participate in Auction 101 or Auction 102, referred to as a short-form application or FCC Form 175, provides information that the Commission uses to determine whether the applicant has the legal, technical, and financial qualifications to participate in a Commission auction for spectrum licenses. Applicants must provide the information detailed below on each FCC Form 175 in order to participate in Auction 101 and/or Auction 102. There will be an application resubmission filing window for each auction during which an applicant may make permissible minor modifications to its application for that auction to address identified deficiencies. Additional information about the short-form application requirements can be found in the *Auctions 101 and 102 Procedures Public Notice*.<sup>1</sup>

**II. FILING DEADLINE**

2. A party seeking to participate in Auction 101 and/or Auction 102 must file a separate FCC Form 175 electronically for each auction in which it wishes to participate via the Auction Application System. The FCC Form 175 filing window for both auctions will open at 12:00 p.m. Eastern Time (ET) on September 5, 2018, and close at 6:00 p.m. ET on September 18, 2018. **Applications must be submitted and confirmed prior to 6:00 p.m. ET on September 18, 2018.** As discussed below, after an application has been submitted, a confirmation screen will appear. The confirmation screen will display the submission time and date, along with a unique file number. Late applications or unconfirmed submissions will not be accepted.

3. You may make changes to an application at any time during the initial application filing window. Applicants are strongly encouraged to file early and are responsible for allowing adequate time for filing their applications. Information in an application will not be considered by the Commission unless you click on the **CERTIFY & SUBMIT** button on the *Certify & Submit* screen in the Auction Application System after providing or updating the information required in FCC Form 175. To reduce the risk of technical complications, do not click the **CERTIFY & SUBMIT** button more than once while waiting for your application submission to go through. Applicants are also cautioned that the Commission periodically performs scheduled maintenance of our IT systems. During scheduled maintenance activities, which typically occur over the weekends, every effort is made to minimize any downtime to the auctions systems. However, there are occasions when auction-related systems may be temporarily unavailable.

4. You may withdraw a previously submitted application at any time before the initial application filing window closes on September 18, 2018. To do so, click on the **Withdraw Application** icon on the *Review or Modify Existing Short-Form Applications* section of the *Auction Application Manager* screen. All previously entered and submitted data will be deleted. After the short-form filing deadline, an application may not be withdrawn, and the

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<sup>1</sup> See *Auctions of Upper Microwave Flexible Use Licenses for Next-Generation Wireless Services; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auctions 101 (28 GHz) and 102 (24 GHz); Bidding in Auction 101 Scheduled to Begin November 14, 2018*, AU Docket No. 18-85, Public Notice, FCC 18-109 (Aug. 3, 2018) (*Auctions 101 and 102 Procedures Public Notice*).

## Federal Communications Commission

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applicant will be subject to the Commission's prohibition on certain communications. For additional information about withdrawing a short-form application, see Section V.H.

Note: Certain information disclosed in an application will remain non-public until after bidding in both Auctions 101 and 102 has closed. See Section VII for additional information.

### III. MINIMUM SOFTWARE REQUIREMENTS

5. You must complete and submit an application via the Internet using a personal computer or equivalent device. **Currently, devices that use Apple® Mac OS® are not supported. Smart phones and tablets are also not currently supported.** A web browser must be used to access the Auction Application System. The following web browsers are compatible with the Auction Application System:

- Mozilla® Firefox®;
- Google Chrome® 46.0.2490.80 or higher; or
- Microsoft® Internet Explorer 9.0 or higher (compatibility mode is not supported; if you use an Internet Explorer browser, you must turn off compatibility mode in your browser's settings).

However, for optimal performance, Commission staff recommends the use of either Mozilla® Firefox® or Google Chrome®.

6. A PDF viewer is also required. Adobe Acrobat Reader 5.0 or higher is recommended (available at no cost at [www.adobe.com/](http://www.adobe.com/)).

7. The minimum screen resolution for the Auction Application System is 1024 x 768.

### IV. LOGGING IN

8. To submit an FCC Form 175, open a web browser and navigate to [auctions.fcc.gov](http://auctions.fcc.gov) (primary location) or [auctions2.fcc.gov](http://auctions2.fcc.gov) (secondary location). An applicant must have an FCC Registration Number (FRN) and password in order to log in to the FCC's Auction Application System and complete an FCC Form 175. You may obtain an FRN by registering through the Commission Registration System (CORES), which can be accessed on the Commission's website at: [www.fcc.gov/core](http://www.fcc.gov/core). Upon registration, you will be assigned an FRN.

9. On the Auction Application System screen, enter the applicant's FRN and password and click the **LOG IN** button, which will take you to the *My Auctions Page* screen. On this screen, you may create a new or modify an existing short-form application for Auction 101 or Auction 102 by clicking on the **Click here for FCC Form 175** link, which is under the "Wireless/Broadcast" heading. This will take you to the *Auction Application Manager* screen. Select the **Auction 101** link to begin, review, modify, or withdraw an application for Auction 101. Select the **Auction 102** link to begin, review, modify, or withdraw an application for Auction 102. Please allow up to several minutes for your application to load when you create a new application, or access a draft application you have already created to review or modify it, particularly if the applicant has a large number of ownership entries. To avoid technical complications, do not click the link more than once while waiting for the application to load.

10. Applicants will not be able to access the bidding system for either Auction 101 or Auction 102 from the *My Auctions Page* screen. Additional information about how to participate

in the mock auction and auction for Auction 101 and Auction 102 will be available to qualified bidders after release of a *Qualified Bidders Public Notice* for Auction 101 and Auction 102, respectively. Only those bidders that are qualified to participate in Auction 101 will be eligible to participate in the mock auction for Auction 101. Likewise, only those bidders that are qualified to participate in Auction 102 will be eligible to participate in a mock auction for Auction 102.

**V. SECTIONS OF THE FCC FORM 175**

11. You must provide information or responses to questions on a series of screens within FCC Form 175. Below is a summary of the different screens and the information that must be submitted on each. The sections following this summary provide more detailed instructions on how to fill out and provide the information required on each screen.

- *Applicant Information* screens:
  - Provide information about the applicant, including its legal classification, contact information, responsible party (if applicable), authorized bidders, method of bidding, and whether the applicant is claiming eligibility for certain types of bidding credits
- *License Selection* (for Auction 101) or *License Area Selection* (for Auction 102) screens:<sup>2</sup>
  - Select, for Auction 101, the license(s) on which the applicant may wish to bid
  - Select, for Auction 102, the license area(s) in which the applicant may wish to bid
- *Agreements* screens:
  - Identify and provide information about each agreement that is required to be disclosed under the Commission's rules
- *Ownership* screens:
  - Provide information regarding parties that have an ownership or controlling interests in the applicant
- *Summary* screen:
  - Review the results of the system's automated check for certain inconsistencies and omissions in the application
- *Certify & Submit* screens:
  - Review and make the required certifications
  - Submit the application

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<sup>2</sup> As explained in further detail in Section V.B. (License Selection (Auction 101) and License Area Selection (Auction 102)), for Auction 101, an applicant will select the license(s) on which it may wish to bid on the *License Selection* screen. For Auction 102, an applicant will select the license area(s) in which it may wish to bid on the *License Area Selection* screen.

12. *Navigation.* You may access any of these screens via the navigation pane on the right side of the screen titled “Application Sections.”<sup>3</sup> To expand a group of screens, click on the triangle to the right of the section title. When you click on the relevant section, you will be redirected to that section of the application. When a cursor passes over a clickable item, the cursor will turn into a hand icon.

13. An applicant is required to complete certain sections of the form that will display automatically depending on the information it provided in earlier portions of the form. For example, a corporate applicant, unlike an individual applicant, must identify a corporate officer or director responsible for the application (called a responsible party). If the applicant is an individual, no additional information is needed regarding an additional responsible party, and screens requesting responsible party information will not appear. However, if the applicant is a corporation, subsequent screens in FCC Form 175 will ask for responsible party information.

14. *Help and Common Questions.* Help in filling out FCC Form 175 is available in two ways through the Auction Application System: (1) by clicking on the **Help** link located in each section of the application and in the upper right corner of each screen, which will open Auction Application Online Filing Help; or (2) by clicking on the text of any **Common Questions** link appearing on the right side of the screen. The common questions may differ from screen to screen because the common questions are linked to the information that must be supplied on that application screen. If you need further information or guidance beyond what is provided by these sources, use the contact information provided in Section VIII.B of these instructions. You may also access an online application procedures tutorial for Auctions 101 and 102 covering information on pre-auction preparation, completing short-form applications, and the application review process, which will be made available on the “Education” tab of both the Auction 101 and Auction 102 websites at [www.fcc.gov/auction/101](http://www.fcc.gov/auction/101) and [www.fcc.gov/auction/102](http://www.fcc.gov/auction/102), respectively. This tutorial will help familiarize potential applicants with accessing and navigating the Auction Application System and completing FCC Form 175.

**A. Applicant Information**

15. On the *Applicant Information* screens, you must provide the information listed below.<sup>4</sup> Following this list, more guidance is provided on how to fill out some of these items.

- the applicant’s legal classification (e.g., individual, corporation, general partnership, etc.)
- whether the applicant, or any member of the applicant, is a qualifying rural wireless partnership, and if so, the type and name of the members of the qualifying rural wireless partnership
- optional information regarding the applicant’s status as a minority- or woman-owned business or a rural telephone company
- the applicant’s name, which will be used as the bidder name during the auction
- citizenship for individuals or jurisdiction of formation for legal entities

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<sup>3</sup> To reduce the risk of technical complications, you are encouraged to click buttons on the individual application pages/screens and in the navigation window pane only once while navigating through the form.

<sup>4</sup> See 47 CFR § 1.2105(a).

- the applicant’s address (physical location; a P.O. Box is not permitted)
- for applicants classified as legal entities (e.g., corporations and partnerships), the name, title, and contact information of the applicant’s responsible individual<sup>5</sup>
- the name, address, telephone and fax number, and email address of a contact person who will communicate with the Commission regarding the applicant’s FCC Form 175<sup>6</sup>
- the names, telephone numbers, and email addresses of up to three persons authorized to bid for the applicant in the auction
- the applicant’s preference for electronic or telephonic bidding<sup>7</sup>
- whether the applicant claims eligibility for certain types of bidding credits and the percentage claimed

**1. Applicant Legal Classification**

16. You must indicate the applicant’s legal classification on the *Applicant Legal Classification* screen before continuing to subsequent screens because the selected legal classification will determine which subsequent screens will appear. For example, an applicant registering as an “Individual” will enter information that is different from the information that an applicant registering as a “Corporation” will enter.

17. If you select “Consortium” as the applicant’s legal classification, you must upload an attachment identifying each member of the consortium (and select “Consortium” as the attachment “Type” when uploading this attachment). The procedures for uploading this attachment are described below in Section V.F. If you select “Other” as the applicant’s legal classification, a text box will open in which you must describe the applicant’s legal classification.<sup>8</sup>

**2. Qualifying Rural Wireless Partnerships**

18. You must indicate on the *Legal Classification* screen whether the applicant, or any member of the applicant (in the case of a joint venture or consortium), is a qualifying rural wireless partnership or a qualifying rural wireless partnership member that claims the exception provided in Section 1.2105(a)(3) of the Commission’s rules to the general prohibition on the

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<sup>5</sup> Section 1.2105(a)(2) requires that the name and title of an officer or director be reported if the applicant is a corporation. If the applicant is a partnership, then the application will require the name, citizenship and address of all general partners, and if a partner is not a natural person, then the name and title of a responsible person should be included as well. 47 CFR § 1.2105(a)(2).

<sup>6</sup> A fax number may be used for a variety of purposes, including faxing confirmation information in the event an applicant utilizes telephonic bidding and as a backup for communicating with the applicant in the event other means of communication are unavailable. If the contact person does not have a fax number, you may provide the contact person’s telephone number in the fax number field.

<sup>7</sup> Electronic bidding will be available via the Internet using the Commission’s bidding system. Applicants that become qualified bidders will be provided the telephone number for telephonic bidding as an option.

<sup>8</sup> For any text box in which the applicant can or is required to enter information, you should not use any non-ASCII characters or select ASCII characters.

filing of multiple applications by commonly-controlled entities.<sup>9</sup> If the applicant is a qualifying rural wireless partnership or a member of a qualifying rural wireless partnership, information about each member of the partnership, including the type of member (i.e., entity or individual) and the member's name, must be provided. To add additional members to the qualifying rural wireless partnership, select the member type, enter the appropriate information, and click the **ADD MEMBER** button.<sup>10</sup> Each entity or individual member of a given partnership must be identified by its legal name.

### 3. Applicant Status Information

19. You may, but are not required to, check boxes on the FCC Form 175 indicating whether the applicant is a minority- or woman-owned business or a rural telephone company. This applicant status information is collected for statistical purposes only and assists the Commission in monitoring the participation of various groups in its auctions.

20. After completing the information requested on the *Applicant Legal Classification* screen, click the **SAVE & CONTINUE** button. Please note that if the applicant later changes its legal classification, some of its previously entered applicant information will be deleted as a result of the change and will need to be reentered.

### 4. Applicant Name and Applicant Address

21. On the *Applicant Name/Applicant Address* screen, the data entry fields will depend on which legal classification you selected on the *Applicant Legal Classification* screen. For instance, if you selected "Individual" on the *Applicant Legal Classification* screen, you will be required to complete the First Name, Last Name, and Citizenship fields. The Middle Initial and Suffix fields are optional. If you selected "Corporation" on the *Applicant Legal Classification* screen, you will be required to complete the Entity Name and Jurisdiction of Formation fields. The name entered will be used as the Bidder Name for the auction process. You must also provide a street address for the applicant. A P.O. Box may not be used. After completing the applicant's name and address information, click the **SAVE & CONTINUE** button.

### 5. Responsible Party and Contact Information

22. The screen that appears after the *Applicant Name/Applicant Address* screen will depend on which legal classification you selected on the *Applicant Legal Classification* screen. For example, if you selected "Individual" or "General Partnership" on the *Applicant Legal Classification* screen, you will be directed to the *Contact Information/Contact Address* screen, where you will be required to provide contact information for an individual who will be sent all correspondence concerning the application. If you selected any other entity type on the *Applicant Legal Classification* screen, you will first be directed to the *Responsible Party* screen, where you will be required to provide information for an individual deemed to be the responsible party for the application. If you selected "Corporation" on the *Applicant Legal Classification* screen, you will be required to provide the name, title, and email address, but not street address,

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<sup>9</sup> See 47 CFR § 1.2105(a)(3).

<sup>10</sup> As suggested above, click the **ADD MEMBER** button only once per additional member to be added to the rural wireless partnership's application to reduce the potential for technical complications.

for the applicant's responsible party. After completing the *Responsible Party* screen, you will be directed to the *Contact Information/Contact Address* screen.

23. To simplify filling out FCC Form 175, an applicant that has the same address as its contact person or responsible party can click on the **COPY APPLICANT ADDRESS** button to automatically fill in the contact person's or responsible party's address.<sup>11</sup> A P.O. Box may not be used for a contact person's or responsible party's address. After entering the contact person's or responsible party's name, address, and other required information, click the **SAVE & CONTINUE** button.

24. Commission staff will communicate only with an applicant's contact person or certifying official, as designated on the applicant's FCC Form 175, unless the applicant's certifying official or contact person notifies the Commission in writing that the applicant's counsel or other representative is authorized to speak on its behalf. Authorizations may be sent by email to [auCTION101@fcc.gov](mailto:auCTION101@fcc.gov) for Auction 101 and to [auCTION102@fcc.gov](mailto:auCTION102@fcc.gov) for Auction 102.

## **6. Authorized Bidders**

25. You must provide the name, phone number, and email address for each individual authorized to place bids for the applicant in the auction. You must identify at least one authorized bidder for the applicant, and no more than three.<sup>12</sup> Applicants are encouraged to identify more than one authorized bidder to account for unforeseen circumstances that may result in an authorized bidder being unable to participate in the auction.

26. An individual may not serve as an authorized bidder for more than one application in the same auction.<sup>13</sup> Accordingly, for Auctions 101 and 102, the same individual may not be listed as an authorized bidder in more than one FCC Form 175 submitted for a particular auction. In addition, an applicant may not use an individual as an authorized bidder in one auction (e.g., Auction 101), if that individual is identified as an authorized bidder in the other auction (e.g., Auction 102), unless the two applicants are identical.

27. After completing the necessary information for each authorized bidder, you must click the **ADD** button to save the authorized bidder information you have entered.<sup>14</sup> While an applicant may change its authorized bidders at a later date, only those bidders listed on its FCC Form 175 will be authorized to place bids for the applicant during the particular auction. Each authorized bidder listed on an applicant's FCC Form 175 will receive a designated SecurID<sup>®</sup> token that will be required to place bids for the applicant during the auction, along with instructions on how to use the token.

## **7. Electronic or Telephonic Bidding**

28. The FCC Form 175 also requires you to specify whether the applicant primarily intends to place bids electronically or telephonically during the particular auction. Any qualified bidder may bid either electronically (via the Internet) or telephonically during the auction and may change methods as needed or desired. Specifying a preference for electronic or telephonic

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<sup>11</sup> The **COPY APPLICANT ADDRESS** button is not available if the applicant's location is outside of the United States.

<sup>12</sup> See *Auctions 101 and 102 Procedures Public Notice* at 16, para. 37.

<sup>13</sup> See *id.*; 47 CFR § 1.2105(a)(2)(iii).

<sup>14</sup> Click the **ADD** button only once when adding an authorized bidder to reduce the risk of technical complications.

bidding assists the Commission in determining the staff required in this auction for telephonic bidding.

29. When all the Applicant Information has been completed, click the **SAVE & CONTINUE** button.

### **8. Designated Entity Bidding Credit Eligibility**

30. A bidding credit represents the amount by which a bidder's winning bids are discounted. Designated entity bidding credits are available to eligible small businesses and rural service providers. If an applicant wishes to assert its eligibility for a designated entity bidding credit for a particular auction, it must do so on the *Designated Entity Bidding Credit Eligibility* screen. This screen is the applicant's sole opportunity to assert its eligibility for a designated entity bidding credit for that auction; the applicant will not be able to change its bidding credit selection after the initial application filing deadline. If you select "No" to the question of whether the applicant is seeking a designated entity bidding credit, click the **SAVE & CONTINUE** button to proceed to the next screen. If you select "Yes" to the question of whether the applicant is seeking a designated entity bidding credit, you will be asked to select which type of bidding credit the applicant is seeking.

31. There are two types of designated entity bidding credits available in Auctions 101 and 102: small business bidding credits and a rural service provider bidding credit.<sup>15</sup> Bidding credits will not be cumulative—for each auction, an applicant is permitted to claim either a small business bidding credit or a rural service provider bidding credit, but not both. If you change the type of bidding credit the applicant is seeking while completing the application, any applicant revenue or subscriber information that has previously been entered on the FCC Form 175 will be deleted. When all of the bidding credit information for the type of credit requested has been entered, click the **SAVE & CONTINUE** button.

#### **a. Small Business Bidding Credit**

32. To assert eligibility for a 15 percent small business bidding credit in Auction 101 or 102, an applicant must have average annual gross revenues, including attributable interests, for the preceding three years that exceed \$20 million and do not exceed \$55 million.<sup>16</sup> To assert eligibility for a 25 percent very small business bidding credit in Auction 101 or 102, an applicant must have average annual gross revenues, including attributable interests, for the preceding three years that do not exceed \$20 million.<sup>17</sup> Gross revenues include all income received by an entity, whether earned or passive, before any deductions are made for the cost of doing business. Small business bidding credits are not cumulative; an eligible applicant will receive either the 15 percent or the 25 percent bidding credit on its winning bid, but not both.

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<sup>15</sup> There is a cap on the total amount of bidding credits that an eligible small business or rural service provider may be awarded in any particular auction. See 47 CFR § 1.2110(f)(2)(ii), (f)(4)(ii); *Auctions 101 and 102 Procedures Public Notice* at 35-36, para. 93. The Commission adopted a \$25 million cap on the total amount of bidding credits that may be awarded to an eligible small business in Auction 101 and Auction 102 (i.e., \$25 million in each auction) and a \$10 million cap on the total amount of bidding credits that may be awarded to an eligible rural service provider in Auction 101 and Auction 102 (i.e., \$10 million in each auction). *Auctions 101 and 102 Procedures Public Notice* at 35-36, para. 93.

<sup>16</sup> See 47 CFR §§ 1.2110(f)(2)(i)(C), 30.302(a)(1), (b).

<sup>17</sup> See *id.* §§ 1.2110(f)(2)(i)(B), 30.302(a)(2), (b).

33. An applicant seeking a small business bidding credit will be asked to assert on the *Designated Entity Bidding Credit Eligibility* screen whether it meets the revenue thresholds required to be eligible for a small business bidding credit and must select on its FCC Form 175 the specific revenue threshold that applies to the applicant. An applicant should make this assertion carefully; it may **not** request a higher percentage of a small business bidding credit after the initial FCC Form 175 filing deadline.

**b. Rural Service Provider Bidding Credit**

34. An eligible rural service provider may claim a 15 percent rural service provider bidding credit for Auction 101 or 102.<sup>18</sup> An applicant seeking a rural service provider bidding credit will be asked to indicate on the *Designated Entity Bidding Credit Eligibility* screen that it meets the criteria to qualify for a rural service provider bidding credit. The applicant must also enter on the *Designated Entity Bidding Credit Eligibility* screen the applicant's total number of combined wireless, wireline, broadband, and cable subscribers. An applicant that is applying as a consortium or an existing rural partnership should enter "0" in the "Number of Subscribers" field on FCC Form 175 if it (i.e., the consortium or the partnership) does not itself have any of its own subscribers.

35. If you need to later change the number of subscribers attributable to the applicant as entered on this screen, click on "Applicant Information" section on the right column of the screen and select "Bidding Eligibility." By clicking on this section, you will be directed to the *Designated Entity Bidding Credit Eligibility* screen where you can make any necessary changes to previously entered subscriber information.

36. You must also indicate on the *Designated Entity Bidding Credit Eligibility* screen whether the applicant, or any member of the applicant (in the case of a consortium), is an existing rural partnership within the meaning of Section 1.2110(f)(4)(i)(C)(2) of the Commission's rules whose individual members' subscribers are not required to be aggregated and attributed to the applicant.<sup>19</sup> If you assert the applicant's eligibility for this exception by selecting "Yes" to the question, you must upload an attachment that lists each member of the existing rural partnership and provide a brief description of the applicant's eligibility to claim the exception by virtue of the rural partnership. You must select "Rural Partnership" as the attachment "Type" when uploading this attachment. The procedure for uploading this required attachment is described below in Section V.F.

**B. License Selection (Auction 101) and License Area Selection (Auction 102)**

37. For a short-form application to participate in Auction 101, you will identify on the *License Selection* screen the license(s) on which the applicant may wish to bid during the auction. For a short-form application to participate in Auction 102, you will identify on the *License Area Selection* screen the license area(s) in which the applicant may wish to bid during the auction.

**1. Select License(s) or License Area(s)**

38. If you are applying to participate in Auction 101, the *Select License(s)* screen provides a list of all available licenses in Auction 101. If you are applying to participate in Auction 102, the *Select License Area(s)* screen provides a list of all available license areas in

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<sup>18</sup> See *id.* § 1.2110(f)(4)(i).

<sup>19</sup> See 47 CFR § 1.2110(f)(4)(i)(C)(2); see also *id.* § 1.2110(f)(4)(i)(C)(1).

Auction 102. In either case, you can navigate through the licenses or license areas by clicking the individual page links or the **Previous** and **Next** links at the bottom of the screen below the list of available licenses or license areas. To display licenses or license areas matching specific search criteria, you can use the **Search** text box to narrow down the available licenses or license areas displayed. For Auction 101, you can use the search function to narrow down the available licenses based on license name, license description, or bidding units. For Auction 102, you can use the search function to narrow down the available licenses based on license area name, license area description, or bidding units. In addition, pre-defined filters can be used to narrow down the list of licenses or license areas to be selected and saved by selecting the appropriate filter and clicking the **APPLY** button. To clear any filters applied, click the **Clear Filters** link. To display more or fewer licenses or license areas, click the **Show Entries** dropdown box displayed above the available license or license area list and select the number of licenses or license areas to show per screen.

39. License and license area selections can be selected and saved by (1) clicking the check box next to the license or license area name, as applicable, and then clicking the **SAVE** button; or (2) clicking the **SELECT ALL ITEMS** button, which will select and save all available licenses or license areas, as applicable. Once you have successfully saved a selected license or license area, the word “Saved” will appear in the status column next to the corresponding license or license area as an indication that the applicant’s selection has been saved.

40. An applicant cannot submit a FCC Form 175 for either Auction 101 or Auction 102 until it selects and saves at least one license in an application for Auction 101 or at least one license area in an application for Auction 102, as applicable. While an applicant is not obligated to bid on any or all of the licenses or, if applicable, on a block in any or all of the license areas selected, it will not be able to bid on any license or in license area that has not been selected on its FCC Form 175 for the relevant auction.<sup>20</sup> An applicant’s license or license area selections cannot be changed after the initial filing window has closed. Therefore, during the initial filing window, it is important to carefully review the applicant’s license and/or license area selections to make sure all licenses and/or license areas on which the applicant may wish to bid have been selected on the respective application.

41. Saved licenses or license areas can be removed by (1) clicking the check box (to uncheck) next to a previously saved license or license area, as applicable, and then clicking the **SAVE** button; or (2) clicking the **UNSELECT ALL ITEMS** button, which will remove all previously saved licenses or license areas, as applicable. A removed license or license area will no longer have the word “Saved” next to the corresponding license or license area name.

42. You may view all saved licenses or license areas by selecting the individual page links or the **Previous** and **Next** links at the bottom of the screen below the list of available licenses or license areas. Once you have saved the licenses or license areas you have selected, click the **SAVE & CONTINUE** button.

## 2. View Saved License(s) or License Area(s)

43. For Auction 101, after the licenses have been selected and saved, you will be directed to the *View Saved License(s)* screen. For Auction 102, after the license areas have been selected and saved, you will be directed to the *View Saved License Area(s)* screen. For both

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<sup>20</sup> See *id.* § 1.2105(a)(2)(i).

auctions, this screen lists all the licenses or license areas, as applicable, that have been selected and saved for the auction. You may narrow down the list of licenses or license areas to be viewed using pre-defined filters by selecting the appropriate filter and clicking the **APPLY** button. To clear any filters applied, click the **Clear Filters** link. You may print the list of selected licenses or license areas by clicking the **PRINT** button or view the list in .pdf format by clicking the **PDF** button. After the applicant has confirmed the accuracy of the information on the *View Saved License(s)* screen and/or the *View Saved License Area(s)* screen, as applicable, click the **CONTINUE** button.

### C. Agreements

44. On the *Agreements* screens, you must provide information regarding the applicant's auction-related agreements subject to disclosure under the Commission's rules.<sup>21</sup> Specifically, on the *Agreements with Other Parties and Joint Bidding Arrangements* screen, you must indicate, by responding "Yes" or "No," whether the applicant has entered into any partnerships, joint ventures, consortia or other agreements, arrangements or understandings of any kind relating to the licenses being auctioned, including any agreements that address or communicate directly or indirectly bids (including specific prices), bidding strategies (including the specific licenses on which to bid or not to bid), or the post-auction market structure, to which the applicant, or any party that controls or is controlled by the applicant, is a party.<sup>22</sup> If you select "No" and then click **SAVE & CONTINUE**, you will be directed to the *Ownership* series of screens, described below in Section V.D. If you select "Yes" and then click **SAVE & CONTINUE**, you will be directed to the *View/Edit Agreements* screen.

45. On the *View/Edit Agreements* screen, you must make an entry for each agreement you need to disclose by clicking the **CREATE NEW AGREEMENT** button. On the *Create New Agreement* screen, you must provide an identifying name and the agreement type. The agreement identifier can be a brief description of the agreement or a simple reference name; however, each agreement identifier must be unique. If the agreement type is not listed as an option under the dropdown menu, select "Other" and enter a description in the text box that subsequently appears. Neither the name of the agreement nor its description should indicate or suggest an applicant's license or license area selection(s), as applicable, or potentially reveal an applicant's bidding strategy. You must also identify the parties, other than the applicant, to each agreement disclosed on the application and indicate the type of party (i.e., entity or individual).

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<sup>21</sup> 47 CFR § 1.2105(a)(2)(viii).

<sup>22</sup> See *id.* § 1.2105(a)(viii). The Commission's rules generally prohibit joint bidding and other arrangements involving auction applicants (including any party that controls or is controlled by, such applicants). See 47 CFR § 1.2105(a)(ix). An applicant has the option of explaining in an attachment why a particular agreement, understanding, or arrangement is not prohibited by Commission rules. For purposes of the agreement disclosure requirement and the prohibition against joint bidding agreements for Auctions 101 and 102, the terms "licenses being auctioned" and "licenses at auction" include all of the licenses being offered in Auctions 101 and 102. For more information regarding agreement disclosure requirements and joint bidding arrangements/agreements, applicants should review the *2015 Part 1 Report and Order*, the *Auctions 101 and 102 Procedures Public Notice*, and the *Prohibited Communications Guidance Public Notice*. See *Updating Part 1 Competitive Bidding Rules*, Report and Order, Order on Reconsideration of the First Report and Order, Third Order on Reconsideration of the Second Report and Order, Third Report and Order, 30 FCC Rcd 7493 (2015) (*2015 Part 1 Report and Order*) (modified by Erratum, 30 FCC Rcd 8518 (2015)); *Auctions 101 and 102 Procedures Public Notice* at 17-20, paras. 39-46; *Guidance Regarding the Prohibition of Certain Communications During the Incentive Auction*, Auction 1000, Public Notice, 30 FCC Rcd 10794 (WTB 2015) (*Prohibited Communications Guidance Public Notice*).

You may provide an FRN for the other party to the agreement, if available. While providing the FRN is optional, including that information may prevent identification errors resulting from parties having similar names or a single party using multiple names. After completing the required information for each party, you must click the **ADD PARTY** button to save the information.

46. Additional parties can be added by selecting the type of party, entering the applicable information, and clicking the **ADD PARTY** button. The **Clear** link can be used to cancel a party type selection clicked in error. After adding a particular party, the name of that party and its associated FRN can be edited by clicking the **EDIT** button or be deleted from the form by clicking the **REMOVE** button. After identifying all parties to any particular agreement(s), click the **SAVE & CONTINUE** button.

47. The next screen, the *View/Edit Agreements* screen, lists the agreements and parties to each agreement that you have entered. From this screen, the following options are available:

- Click the **EDIT** button to modify agreement information;
- Click the **DELETE AGREEMENT** button to delete an agreement and associated parties;
- Click the **CREATE NEW AGREEMENT** button to add a new agreement; and
- Click the **Agreements** link in the “Application Sections” box to return to the initial *Agreements with Other Parties and Joint Bidding Arrangements* screen, which asks whether the applicant has entered into any agreements that must be disclosed.

48. An applicant that has entered into any agreement(s) that are subject to disclosure under the Commission’s rules must also upload an attachment that briefly describes each such agreement. You must select “Agreement” as the attachment “Type” when uploading the document. The procedure for uploading this required attachment is described below in Section V.F.

49. When the applicant has confirmed the accuracy of all agreements and the parties to each agreement that it has disclosed, click the **CONTINUE** button.

#### **D. Ownership**

50. On the *Ownership* screens, you can provide information regarding parties that have an ownership or other interest in the applicant, which must be disclosed under the Commission’s rules. Sections 1.2105 and 1.2112 of the Commission’s rules list the disclosable interest holders (DIHs) in the applicant that must be reported in FCC Form 175.<sup>23</sup> These DIHs in the applicant include any individual or entity that directly or indirectly owns and/or controls the applicant, such as:

- any party holding 10 percent or more of stock in the applicant, whether voting or non-voting, common or preferred, including the specific amount of the interest or percentage held;
- in the case of a limited partnership, each limited partner whose interest in the applicant is 10 percent or greater;

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<sup>23</sup> 47 CFR §§ 1.2105(a)(2)(ii)(A)-(B), 1.2112; *see also id.* § 1.2110.

- in the case of a general partnership, each partner and its share in the partnership;
- in the case of a limited liability company, each member whose interest in the applicant is 10 percent or greater; and
- all parties holding indirect ownership interests in the applicant that equals 10 percent or more of the applicant as discussed below.

The Commission's rules require that holders of both direct and indirect interests must be reported, which may include insulated interest holders and holders of non-voting stock/equity in the applicant.

51. Section 1.2112(a)(7) lists the FCC-regulated business entities or applicants for an FCC license (FRBs) that must be disclosed in FCC Form 175.<sup>24</sup>

52. As more fully discussed below, pursuant to Section 1.2110 of the Commission's rules, an applicant requesting a bidding credit must also (1) disclose information on any DIH that has an agreement with the applicant to use more than 25 percent of the spectrum capacity of any license that may be won in the auction;<sup>25</sup> (2) disclose its affiliates;<sup>26</sup> and (3) report revenues or subscribers (as applicable based on the type of credit requested) for itself, its affiliates, its controlling interests, and the affiliates of its controlling interests.<sup>27</sup>

### **1. Information Already on File with the Commission**

53. Some applicants may have previously filed an FCC Form 602 ownership report or filed an application for a previous auction in which ownership information was disclosed. To simplify filling out FCC Form 175, the most current ownership information from any FCC Form 602 or previous auction application with the same FRN the applicant is using to submit its FCC Form 175 will automatically be pre-filled into certain ownership sections on the applicant's FCC Form 175, if such information is in an electronic format compatible with FCC Form 175. Any attachments associated with an applicant's previously filed FCC Form 602 or auction application, such as an attachment describing indirect ownership information, will also be imported into the applicant's FCC Form 175 as an attachment. The ownership information that will be pre-filled into an FCC Form 175 for Auction 101 will be the same as the ownership information that will be pre-filled into an FCC Form 175 for Auction 102. Applicants are encouraged to submit an FCC Form 602 ownership report or update any ownership information on file with the Commission in an FCC Form 602 ownership report prior to starting an application for Auction 101 or Auction 102 to ensure that their most recent ownership information is pre-filled into their short-form applications and, for applicants seeking to participate in both Auctions 101 and 102, to reduce the number of changes that need to be made in both applications.

54. Each applicant is responsible for ensuring that the information submitted in its FCC Form 175 is complete and accurate. You must carefully review any information that may have been automatically pre-filled into an application to confirm that all information is complete and accurate as of the deadline for submitting applications for Auctions 101 and 102. Any

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<sup>24</sup> *Id.* § 1.2112(a)(7).

<sup>25</sup> *See id.* § 1.2110(c)(2)(ii)(J).

<sup>26</sup> *See id.* §§ 1.2110, 1.2112(b).

<sup>27</sup> *See id.* §§ 1.2110(b), (f)(4), 1.2112(b).

previously filed ownership information that is imported into an applicant's FCC Form 175 must be corrected directly in the FCC Form 175 fields. The Auction Application System will not, however, permit you to edit any ownership attachment(s) that have been imported into the applicant's FCC Form 175; therefore, if you find inaccuracies in any imported attachment, delete the imported attachment and upload a new attachment that contains the applicant's current/updated ownership information. After the deadline for filing short-form applications, the ownership information provided in an applicant's submitted FCC Form 175 (including any attachments) will be considered to be the applicant's most current information on file with the Commission for Auctions 101 and 102. Because the ownership information submitted in either application will not become the most current information on file with the Commission until after the deadline for filing short-form applications, if an applicant submits an FCC Form 175 for both Auction 101 and Auction 102, it should make sure that the ownership information in both applications is consistent.

## **2. View/Edit Ownership Disclosure Information**

55. The *View/Edit Ownership Disclosure Information* screen summarizes any ownership information entered in FCC Form 175, either automatically from information on file with the Commission (e.g., from a previously filed FCC Form 602 or auction application) or directly by the applicant. If the applicant is seeking a bidding credit, the *View/Edit Ownership Disclosure Information* screen will also display any revenue or subscriber information entered by the applicant based on the type of bidding credit it selected in the application.<sup>28</sup>

56. To view the detailed information that has been pre-filled or otherwise already submitted regarding a DIH or FRB, click on the relevant party's name. To delete existing information in one of these categories, click on the relevant party's name and then click the **DELETE** button next to the name.

57. To add a new DIH or FRB, click on the relevant **ADD** button. Each screen will specify the information that the applicant must provide. Once all ownership information that has been entered has been confirmed as accurate on the *View/Edit Ownership Disclosure Information* screen, click the **CONTINUE** button.

## **3. Ownership Disclosures Required of All Applicants**

58. All applicants, regardless of whether they are seeking a bidding credit, must provide information in their FCC Form 175 applications concerning their DIHs and FRBs.<sup>29</sup>

### **a. Adding Disclosable Interest Holders**

59. To add a DIH, click on the **ADD** button on the *View/Edit Ownership Disclosure Information* screen, which will direct you to the *Add Disclosable Interest Holder* screen. You must make a DIH entry for any individual or entity required to be disclosed under Section 1.2112

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<sup>28</sup> If the applicant asserts eligibility for a bidding credit, the *View/Edit Ownership Disclosure Information* screen will aggregate the revenues (if seeking a small business bidding credit) or subscribers (if seeking a rural service provider bidding credit) of all the DIH(s) and affiliate(s) disclosed by the applicant. A warning message will display on the *Error Summary* screen if the aggregate number of average annual gross revenues (if seeking a small business bidding credit) exceeds the revenue range selected on the *Designated Entity Bidding Credit Eligibility* screen or if the aggregate number of subscribers exceeds 249,999 (if seeking a rural service provider bidding credit).

<sup>29</sup> See 47 CFR §§ 1.2105(a)(2)(ii)(A)-(B), 1.2112.

of the Commission's rules.<sup>30</sup> On this screen and subsequent screens, you must provide information about the type of DIH (i.e., entity or individual), contact information for the DIH, type of interest the DIH has in the applicant,<sup>31</sup> percent of interest held in the applicant, and the DIH's jurisdiction of formation (for an entity) or citizenship (for an individual). You have the option of providing the FRN of a DIH, but an FRN entry is not required.

60. If you enter one or more DIHs with indirect ownership interest(s) in the applicant on the *Add Disclosure Interest Holder Type* screen,<sup>32</sup> you must include an attachment describing the relationship between the indirect interest holder(s) and the applicant. The attachment should provide an overview of the ownership chain that links the indirect owner(s) to the applicant, e.g., indirect owners X and Z own 50 percent of holding company Y, and holding company Y owns 100 percent of the applicant.<sup>33</sup> You should provide only one attachment connecting all indirect owners to the applicant. The information in the attachment should be consistent with the information already provided in the data fields of FCC Form 175. You must select "Indirect Ownership" as the attachment "Type" when uploading this attachment. The procedure for uploading this required attachment is described below in Section V.F.

61. The "Percent of Interest Held in Applicant" should reflect the DIH's aggregate ownership interests in the applicant (both direct and indirect). In some cases (e.g., circumstances where there is joint ownership or indirect ownership resulting in different owners sharing the same ownership interests), the sum of the percentages held by all DIHs collectively may exceed 100 percent. In other cases (e.g., a director with no ownership in the applicant), a DIH may have a zero percent ownership interest in the applicant.

62. After completing the necessary information for a DIH, click the **SAVE & CONTINUE** button. For any applicant not seeking a bidding credit, this will direct you to the *Information for DIH* screen, which will summarize the information you submitted for a particular DIH. As explained in further detail below, if an applicant is seeking a bidding credit, you will need to respond to additional questions before you are returned to the *View/Edit Ownership Disclosure Information* screen. To edit any information entered for a DIH, click the **OPEN** button next to the section in which you need to make changes. The *Information for DIH* screen also provides a button that allows you to add an FRB entry directly to an existing DIH, without needing to reenter the DIH's information. After you have made any necessary FRB entries for each DIH and have confirmed the accuracy of all the information on the *Information for DIH* screen, click the **CONTINUE** button.

#### **b. Adding FCC Regulated Businesses**

63. To add an FRB of the applicant, click on the **ADD** button on the *View/Edit Ownership Disclosure Information* screen, which will direct you to the *Add FCC Regulated Business of Applicant* screen. The *Add FCC Regulated Business of Applicant* screen asks you to provide the name of the FRB, its principal business, and percent of interest held. "Percent of Interest Held" refers to the percent of interest held by the applicant in the FRB.

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<sup>30</sup> *Id.* § 1.2112.

<sup>31</sup> If the DIH holds an ownership interest that is not listed on the screen (e.g., another type of option or debt security), select "Other" and enter the DIH's interest(s) in the "Specify" field accordingly.

<sup>32</sup> 47 CFR §1.2112(a)(6).

<sup>33</sup> *Id.*

64. To add an FRB of a DIH, click the **Add Business** button under the DIH's name in the **Disclosable Interest Holders of this Applicant** section on the *View/Edit Ownership Disclosure Information* screen. The *Add FCC Regulated Business of DIH* screen asks you to provide the name of the FRB, its principal business, and percent of interest held. "Percent of Interest Held" refers to the percent of interest held by the DIH in the FRB.

65. To simplify filling out FCC Form 175, you can click on the **Select Entities Already Entered** link on the *Add FCC Regulated Business of Applicant* or *Add FCC Regulated Business of DIH* screens, respectively, when disclosing an FRB previously entered as an FRB for the applicant or another DIH. When you click the **Select Entities Already Entered** link on the *Add FCC Regulated Business of Applicant* or on the *Add FCC Regulated Business of DIH* screen, you will be redirected to the *Copy FCC Regulated Business of Applicant* screen or the *Copy FCC Regulated Business of DIH* screen, as applicable. On these screens, you can select each previously entered entity you want to copy. Please note that the only names that will appear in the list displayed on these screens are previously entered FRBs of the applicant and previously entered DIHs that are entities. Once you have finished copying any FRB(s) of the applicant or DIHs to the applicable screens, be sure to enter the "Percent of Interest Held" in the FRB by the applicable party (either the applicant or the DIH).

66. After entering or copying the necessary information for a particular FRB, you must click the **ADD** button to save the information. Once you have entered all necessary FRB information, click the **SAVE & CONTINUE** button.

#### **4. Additional Ownership Disclosures and Information Required of Applicants Seeking a Small Business Bidding Credit**

67. In addition to disclosing its DIHs and FRBs, an applicant seeking a small business bidding credit must provide certain additional information on the *Ownership* screens of FCC Form 175, including information on DIHs that have spectrum use agreements with the applicant, information about its affiliates, and gross revenue information for the applicant, its DIHs, and its affiliates.

##### **a. Disclosures Related to Spectrum Use Agreements**

68. An applicant seeking a small business bidding credit must make a DIH entry for any individual or entity with a ten percent or greater interest of any kind in the applicant that uses, or has an agreement to use, in any manner, on a license-by-license basis, more than 25 percent of the spectrum capacity of any license that may be won by the applicant in Auction 101 or Auction 102.<sup>34</sup>

69. After entering general DIH information (e.g., type of DIH, contact information, etc.) for a particular DIH on the *Add Disclosable Interest Holder* screens, you will be directed to the *Revenues Attributable to DIH* screen. On this screen, you will be asked to respond "Yes" or "No" to whether the DIH uses, or has an agreement to use, on a license-by-license basis, more than 25 percent of the spectrum capacity of any license selected in this application that may be won by the applicant or, if applicable, any license that may be won by the applicant in any license area selected in this application.<sup>35</sup> If you respond "Yes" to this question, you must

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<sup>34</sup> See *id.* § 1.2110(c)(2)(ii)(J).

<sup>35</sup> For purposes of this question, a DIH is any individual or entity holding a 10 percent or greater interest of any kind in the designated entity including, but not limited to, stock warrants, options or debt securities. See *id.*

submit an attachment that lists the parties to, and the particular license(s) (for Auction 101) or license area(s) (for Auction 102) that are the subject of, any such spectrum use agreement(s). You must select “Spectrum Use” as the attachment “Type” when uploading the attachment.<sup>36</sup> The procedure for uploading this required attachment is described below in Section V.F.

70. After clicking the **SAVE & CONTINUE** button on the *Revenues Attributable to DIH* screen, you will be directed to the *Add/Edit Revenue Information for DIH* screen where, as discussed in further detail below, you will provide gross revenue information for the DIH.

**b. Adding Affiliates**

71. An applicant seeking a small business bidding credit must disclose its affiliates in its FCC Form 175 if any have not been disclosed as a DIH.<sup>37</sup> The definition of “affiliate” encompasses both controlling interests of the applicant and affiliates of controlling interests of the applicant.<sup>38</sup>

72. To add controlling interests, affiliates, and affiliates of controlling interests, click on the **ADD** button on the *View/Edit Ownership Disclosure Information* screen, which will direct the applicant to the *Add Affiliate* screen. On the *Add Affiliate* screen, you will be required to provide the type of affiliate (i.e., entity or individual), the name of the affiliate, and the affiliate’s principal business.<sup>39</sup> In those instances where a controlling interest or an affiliate of a controlling interest is not a DIH, information regarding any such individual or entity should be disclosed on the *Add Affiliate* screen.

73. After clicking the **SAVE & CONTINUE** button on the *Add Affiliate* screen, you will be directed to the *Add/Edit Revenue Information for Affiliate* screen where, as discussed in further detail below, you will provide gross revenue information for the affiliate.

**c. Reporting Gross Revenues**

74. An applicant seeking a small business bidding credit must disclose separately, and in the aggregate, the gross revenues for the preceding three years for the applicant, its affiliates, its controlling interests, and the affiliates of its controlling interests, as well as for any DIH that has an agreement to use, on a license-by-license basis, more than 25 percent of the spectrum capacity of any license selected in its application that may be won by the applicant or, if applicable, any license that may be won by the applicant in any license area selected in its application.<sup>40</sup> If the applicant is a consortium of small businesses, this information must be provided for each member comprising the consortium.<sup>41</sup>

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<sup>36</sup> Consistent with the limited information procedures in place for Auctions 101 and 102, the Bureau intends to withhold from public disclosure all information contained in any such attachment until after the close of Auction 102.

<sup>37</sup> See 47 CFR § 1.2110(c)(5).

<sup>38</sup> *Id.*

<sup>39</sup> To simplify filling out the FCC Form 175, an applicant can click on the **Select Entities or Individuals Already Submitted** link when entering an affiliate that previously was entered as an FRB or a DIH.

<sup>40</sup> 47 CFR §§ 1.2110(b)(1)(i), 1.2112(b)(1)(iv), 1.2110(c)(2)(ii)(J).

<sup>41</sup> *Id.* § 1.2112(b)(1)(vi).

75. *Gross Revenues for the Applicant.* To add revenue information for the applicant, click the **OPEN** button in the “Gross Revenues Attributable to Applicant” portion of the *View/Edit Ownership Disclosure Information* screen. On the *Add/Edit Revenue Information for Applicant* screen, enter the applicant’s gross revenues for the three preceding years and indicate the year-end date for which the revenues apply. If the applicant and any predecessors-in-interest were not in existence for a full year of the relevant period, click the check box to indicate that fact. After completing the applicant’s revenue information, click the **SAVE & CONTINUE** button.

76. On the next screen, the *Add Revenue Information for Applicant* screen, indicate which of the two sources of financial information authorized by Section 1.2110(o) the applicant used for its revenue information (either audited financial statements or financial statements prepared in accordance with Generally Accepted Accounting Principles (GAAP)<sup>42</sup> that are certified as accurate by the applicant’s chief financial officer or equivalent).<sup>43</sup>

77. *Gross Revenues for DIHs.* As noted above, after clicking the **SAVE & CONTINUE** button on the *Revenues Attributable to DIH* screen, you will be directed to the *Add/Edit Revenue Information for DIH* screen. On this screen, you may provide revenue information for each DIH. Enter the DIH’s gross revenues for the three preceding years and indicate the year-end date for which the revenues apply.<sup>44</sup> If the DIH and any predecessors-in-interest were not in existence for a full year of the relevant period, click the check box to indicate that fact. Revenue information need **not** be provided if the DIH is not an affiliate of the applicant, a controlling interest of the applicant, or an affiliate of a controlling interest of the applicant. To report that no revenue information needs to be disclosed, check the box at the top of the *Add/Edit Revenue Information for DIH* screen indicating that no revenue information will be provided for this particular DIH.<sup>45</sup> **If the DIH is an individual or entity that is required to disclose revenue information, you should not check this box even if gross revenues are zero for the relevant time period. In such a situation, you should instead enter “0” in the revenue field for each relevant time period.**

78. An applicant will be exempt from attribution of gross revenues of an affiliate or a controlling interest in the applicant if such entity meets all of the conditions set forth in Section 1.2110(b)(4)(iii) of the Commission’s rules for eligible rural telephone cooperatives.<sup>46</sup> **If an**

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<sup>42</sup> These accounting principles and procedures are authoritative standards set by policy boards and used to compile financial statements. If a financial statement has not been audited, at a minimum, the financial statement must conform to Generally Accepted Accounting Principles.

<sup>43</sup> 47 CFR § 1.2110(o).

<sup>44</sup> A consistent year-end date is required for all gross revenue entries in order to determine average gross revenues for multiple preceding years. The Commission’s rules do not allow an applicant to reduce the amount calculated as its aggregate average gross revenues by reporting revenues for less than a one-year period.

<sup>45</sup> Compare 47 CFR § 1.2110(c)(2) (defining controlling interests) and (c)(5) (defining affiliate) with *id.* § 1.2112(a) (describing disclosable interest holders). You should not, however, check this box for this DIH if you answer “Yes” to the question of whether this DIH uses, or has an agreement to use, on a license-by-license basis, more than 25 percent of the spectrum capacity of any license selected in the application that may be won by the applicant or, if applicable, any license that may be won by the applicant in any license area selected in the application. See *id.* § 1.2110. A warning message will display on the *Error Summary* screen discussed below if you check this box and also indicates that the applicant has a spectrum use agreement with a DIH for the use of more than 25 percent of the spectrum capacity.

<sup>46</sup> *Id.* § 1.2110(b)(4)(iii).

applicant claims that it (or its controlling interest) is an eligible rural telephone cooperative within the meaning of Section 1.2110(b)(4)(iii) of the Commission's rules, you should not check the box indicating that the DIH is not an affiliate or a controlling interest. You should instead check the box indicating that the DIH is an eligible telephone rural cooperative whose gross revenues are exempt from attribution to the applicant. You must also provide in an attachment to the FCC Form 175 an affirmative statement that the applicant, affiliate, and/or controlling interest is an eligible rural telephone cooperative within the meaning of Section 1.2110(b)(4)(iii) and supply any additional information as may be required to demonstrate eligibility for the exemption from the attribution rule.

79. After completing the gross revenues entries for the applicant's DIH, click the **SAVE & CONTINUE** button. On the next screen, the *Add Revenue Information for DIH* screen, you must indicate for the DIH the source of the financial information (either audited financial statements or financial statements prepared in accordance with GAAP).

80. *Gross Revenues for Affiliates.* As noted above, after clicking the **SAVE & CONTINUE** button on the *Add Affiliate* screen, you will be directed to the *Add/Edit Revenue Information for Affiliate* screen. Enter the affiliate's gross revenues for the three preceding years and indicate the year-end date for which the revenues apply. If the affiliate and any predecessors-in-interest were not in existence for a full year of the relevant period, click the check box to indicate that fact.

81. After completing the gross revenues entries for the applicant's affiliate, click the **SAVE & CONTINUE** button. On the next screen, the *Add Revenue Information for Affiliate* screen, you must indicate for the affiliate the source of the financial information (either audited financial statements or financial statements prepared in accordance with GAAP).

82. *Gross Revenues Confirmation.* Once you have finished entering all gross revenue information for the applicant, its affiliates, its controlling interests, the affiliates of its controlling interests, and any DIH that has an agreement to use more than 25 percent of the spectrum capacity of any license selected in the application that may be won by the applicant or, if applicable, any license that may be won by the applicant in any license area selected in the application, you will need to confirm on the *Gross Revenues Confirmation* screen whether the applicant has provided revenue information with respect to each party for which revenue information is required: (1) the applicant; (2) each of the applicant's officers and directors; (3) each of the applicant's other controlling interests; (4) each of the applicant's affiliates; and (5) each affiliate of the applicant's controlling interests, including its officers and directors.<sup>47</sup> To reach the *Gross Revenues Confirmation* screen, click on the **OPEN** button next to the "Gross Revenues Confirmation" section in the middle of the *View/Edit Ownership Disclosure Information* screen. After making your gross revenues confirmation, click the **SAVE & CONTINUE** button, and you will be directed back to the *View/Edit Ownership Disclosure Information* screen.

## 5. Additional Ownership Disclosures and Information Required of Applicants Seeking a Rural Service Provider Bidding Credit

83. In addition to disclosing its DIHs and FRBs, an applicant seeking a rural service provider bidding credit must provide certain additional information on the *Ownership* screens of the FCC Form 175, including subscriber information for the applicant's DIHs, information about

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<sup>47</sup> *Id.* §§ 1.2110(b)(1)(i), 1.2112(b)(1)(iv).

DIHs that have spectrum use agreements with the applicant, and information about its affiliates and their subscribers.

**a. DIH Subscriber Information**

84. After entering general DIH information (e.g., type of DIH, contact information, etc.) on the *Add Disclosable Interest Holder* screens, you will be directed to the *Subscribers Attributable to DIH* screen, on which you will enter the total number of combined wireless, wireline, broadband, and cable subscribers for each DIH for which such information is required. If the applicant is a consortium of rural service providers, this information must be provided for each member comprising the consortium.<sup>48</sup> Subscriber information need **not** be provided if the DIH is not an affiliate of the applicant, a controlling interest of the applicant, or an affiliate of a controlling interest of the applicant. To report that no subscriber information will be disclosed, check the box at the top of the screen indicating that no subscriber information will be provided for this particular DIH.

**b. Disclosures of Related Spectrum Use Agreements**

85. An applicant seeking a rural service provider bidding credit must make a DIH entry for any individual or entity with a ten percent or greater interest of any kind in the applicant that uses, or has an agreement to use, in any manner, on a license-by-license basis, more than 25 percent of the spectrum capacity of any license that may be won by the applicant in Auction 101 or Auction 102,<sup>49</sup> and must provide the subscriber information described above for any such DIH. On the *Subscribers Attributable to DIH* screen, you will be asked to respond “Yes” or “No” to whether the DIH uses, or has an agreement to use, on a license-by-license basis, more than 25 percent of the spectrum capacity of any license selected in this application that may be won by the applicant or, if applicable, any license that may be won by the applicant in any license area selected in this application.<sup>50</sup> If you respond “Yes” to the question, you must submit an attachment that lists the parties to, and the particular license(s) (for Auction 101) or license area(s) (for Auction 102) that are the subject of, any such spectrum use agreement(s).<sup>51</sup> You will also be required to respond to the following additional question(s) on the *Subscribers Attributable to DIH* screen:

- If you indicate that a DIH has an agreement to use more than 25 percent of the spectrum capacity of any license selected in the application that may be won by the applicant or, if applicable, any license that may be won by the applicant in any license area selected in the application, you will be asked whether the attribution of the DIH’s subscribers to the applicant causes the applicant to exceed the subscriber threshold to qualify for a rural service provider bidding credit with respect to any license selected in the application that may be won by the applicant or, if applicable,

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<sup>48</sup> *Id.* § 1.2112(b)(1)(vi).

<sup>49</sup> *See id.* § 1.2110(c)(2)(ii)(J).

<sup>50</sup> For purposes of this question, a DIH is any individual or entity holding a 10 percent or greater interest of any kind in the designated entity including, but not limited to, stock warrants, options or debt securities. *See id.*

<sup>51</sup> If you respond “Yes” to the question of whether the DIH uses, or has an agreement to use, more than 25 percent of the spectrum capacity of any license selected in the application that may be won by the applicant or, if applicable, any license that may be won by the applicant in any license area selected in the application, you should **not** check the box indicating that no subscriber information for that same DIH will be provided. A warning message will display on the *Error Summary* screen if you check both this box and the box indicating that the applicant has a spectrum use agreement with a DIH for the use of more than 25 percent of the spectrum capacity.

any license that may be won by the applicant in any license area selected in the application for which the DIH has such an agreement to use more than 25 percent of the spectrum capacity. If you answer “Yes” to this question, you must specify in an attachment for each license (for Auction 101) or license area (for Auction 102) selected in the application whether attribution of the DIH’s subscribers to the applicant causes the applicant to exceed the subscriber threshold to qualify for a rural service provider bidding credit with respect to each such license or license area.

- If you select “Yes,” to the preceding question, you will be asked whether the DIH independently meets the eligibility requirements for claiming a rural service provider bidding credit and if the DIH’s spectrum use and any spectrum use agreement(s) the DIH has concerning any license selected in the application that may be won by the applicant or, if applicable, any license that may be won by the applicant in any license area selected in the application is otherwise permissible under the Commission’s rules. If you answer “Yes” to this question, you must submit information in an attachment that demonstrates that the DIH is independently eligible for a rural service provider bidding credit.

86. You must select “Spectrum Use” as the attachment “Type” when uploading any of the above-described required attachments.<sup>52</sup> The procedure for uploading these attachments is described below in Section V.F.

87. After providing the necessary information for a DIH, click the **SAVE & CONTINUE** button, which will direct you to the *Information for DIH* screen. Clicking the **CONTINUE** button on this screen will direct you back to the *View/Edit Ownership Disclosure Information* screen.

### c. Adding Affiliates

88. An applicant seeking a rural service provider bidding credit must disclose its affiliates in its FCC Form 175<sup>53</sup> if any are not disclosed as a DIH, and provide the total number of combined wireless, wireline, broadband, and cable subscribers for each affiliate. The definition of “affiliate” encompasses both controlling interests of the applicant and affiliates of controlling interests of the applicant.<sup>54</sup>

89. To add controlling interests, affiliates, and affiliates of controlling interests, click on the **ADD** button in the *View/Edit Ownership Disclosure Information* screen, which will direct you to the *Add Affiliate* screen. On the *Add Affiliate* screen, you will be required to provide the type of affiliate (i.e., entity or individual), the name of the affiliate, the affiliate’s principal business, and the number of the affiliate’s subscribers.<sup>55</sup> In those instances where a controlling interest or an affiliate of a controlling interest is not a DIH, information regarding any such

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<sup>52</sup> Consistent with the limited information procedures in place for Auctions 101 and 102, the Bureau intends to withhold from public disclosure all information contained in any such attachment until after the close of Auction 102.

<sup>53</sup> See 47 CFR § 1.2110(c)(5).

<sup>54</sup> *Id.*

<sup>55</sup> To simplify filling out the FCC Form 175, you can click on the **Select Entities or Individuals Already Submitted** link when entering an affiliate that previously was entered as an FRB or a DIH.

individual or entity should be disclosed on the *Add Affiliate* screen. After completing the necessary information for an affiliate, click the **SAVE & CONTINUE** button.

## **6. Foreign Ownership**

90. Section 310 of the Communications Act requires the Commission to review foreign investment in radio station licenses and imposes specific restrictions on who may hold certain types of radio licenses.<sup>56</sup> The provisions of Section 310 apply to applications for initial radio licenses, applications for assignments and transfers of control of radio licenses, and spectrum leasing arrangements under the Commission's secondary market rules.<sup>57</sup>

91. Section 310(a) prohibits a foreign government or its representative from holding any radio license.<sup>58</sup> Section 310(b) contains specific restrictions on who can hold a broadcast, common carrier, or aeronautical radio station license. Sections 310(b)(1) and (b)(2) prohibit any alien or representative, and any foreign-organized corporation, respectively, from holding a broadcast, common carrier, aeronautical en route or aeronautical fixed radio station license.<sup>59</sup> Section 310(b)(3) prohibits foreign individuals, governments, and corporations from owning more than 20 percent of the capital stock of a broadcast, common carrier, or aeronautical radio station licensee.<sup>60</sup> Section 310(b)(4) establishes a 25 percent benchmark for investment by foreign individuals, governments, and corporations in U.S.-organized entities that directly or indirectly control a U.S. broadcast, common carrier, or aeronautical radio station licensee.<sup>61</sup>

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<sup>56</sup> See 47 U.S.C. § 310 (a), (b).

<sup>57</sup> See *Review of Foreign Ownership Policies for Common Carrier and Aeronautical Radio Licensees under Section 310(b)(4) of the Communications Act of 1934, as Amended*, Second Report and Order, 28 FCC Rcd 5741, 5747–48, para. 7 (2013) (*Foreign Ownership Second Report and Order*). The Commission amended its foreign ownership rules in *Review of Foreign Ownership Policies for Broadcast, Common Carrier and Aeronautical Radio Licensees under Section 310(b)(4) of the Communications Act of 1934, as Amended*, Report and Order, 31 FCC Rcd 11272 (2016). The rules are now codified in 47 CFR 1.5000-1.5004.

<sup>58</sup> 47 U.S.C. § 310(a). This prohibition is absolute, and the Commission has no discretion to waive it. See *Foreign Ownership Second Report and Order*, 28 FCC Rcd at 5748–49, para. 8. Section 310(a) does not, however, prohibit indirect foreign government control of licensees. See *id.*

<sup>59</sup> See 47 U.S.C. § 310(b)(1), (2); *Foreign Ownership Second Report and Order*, 28 FCC Rcd at 5749, para. 9. The prohibitions in Sections 310(b)(1) and (b)(2) are absolute, and the Commission has no discretion to waive them. As with Section 310(a), these provisions do not bar an alien or representative, or a foreign-organized entity, from holding a controlling ownership interest in a U.S.-organized company that controls the licensee pursuant to the discretionary authority afforded by Section 310(b)(4). See *Foreign Ownership Second Report and Order*, 28 FCC Rcd at 5749, para. 9. For ease of reference, we refer to aeronautical en route and aeronautical fixed radio station licenses as “aeronautical” licenses.

<sup>60</sup> See 47 U.S.C. § 310(b)(3); *Foreign Ownership Second Report and Order*, 28 FCC Rcd at 5749, para. 9.

<sup>61</sup> See 47 U.S.C. § 310(b)(4); *Foreign Ownership Second Report and Order*, 28 FCC Rcd at 5749, para. 9. A foreign individual, government, or entity may own, directly or indirectly, more than 25 percent (and up to 100 percent) of the stock of a U.S.-organized entity that holds a controlling interest in a common carrier or aeronautical radio licensee, unless the Commission finds that the public interest will be served by refusing to permit such foreign ownership. See *Foreign Ownership Second Report and Order*, 28 FCC Rcd at 5749, para. 10. Foreign interests in a U.S.-organized parent that controls the licensee are subject to Section 310(b)(4), not Section 310(b)(3), and the Commission will continue to assess foreign ownership interests subject to Section 310(b)(4) separately from foreign ownership interests subject to Section 310(b)(3). See *Foreign Ownership Second Report and Order*, 28 FCC Rcd at 5749, para. 9 n.31.

92. In its 2012 *Foreign Ownership First Report and Order*, the Commission determined that it would forbear from applying the foreign ownership limitations in Section 310(b)(3) to the class of common carrier licensees in which the foreign investment is held in the licensee through U.S.-organized entities that do not control the licensee, to the extent the Commission determines such foreign ownership is consistent with the public interest under the policies and procedures the Commission has adopted for the public interest review of foreign ownership subject to Section 310(b)(4).<sup>62</sup> In its 2013 *Foreign Ownership Second Report and Order*, the Commission adopted a rule codifying its existing requirement that common carrier licensees subject to Section 310(b)(3) forbearance seek and obtain Commission prior approval before foreign ownership in the subject licensee exceeds 20 percent of its equity interests and/or 20 percent of its voting interests.<sup>63</sup> The Commission similarly adopted a rule codifying its existing requirement that common carrier and aeronautical radio station licensees seek and obtain prior Commission approval of their U.S. parents' foreign ownership under Section 310(b)(4) before direct or indirect foreign ownership of their U.S. parent companies exceeds the 25 percent statutory benchmark.<sup>64</sup>

93. In keeping with this pre-approval process, an auction applicant is required to certify in its FCC Form 175 that, as of the deadline for filing an application for Auction 101 and Auction 102, the applicant is in compliance with the foreign ownership provisions of Section 310 or that it has filed a petition for declaratory ruling requesting Commission approval to exceed the statutory foreign ownership limit or benchmark in Section 310(b) that is pending before, or has been granted by, the Commission.<sup>65</sup> You should attach to the auction application as an exhibit a copy of the applicant's petition for declaratory ruling concerning its foreign ownership, which must be filed electronically through the International Bureau Filing System ("IBFS")<sup>66</sup> prior to submitting the FCC Form 175. If an applicant has already received a declaratory ruling from the Commission granting it permission to exceed the applicable foreign ownership limit or benchmark in Section 310(b), the applicant should attach to the auction application an exhibit that identifies the citation(s) of the applicable declaratory ruling(s) by "DA" or "FCC" number, or by the FCC Record citation, if available, as well as the release date of the declaratory ruling, and any other identifying information. You must select "Foreign Ownership" as the attachment type when uploading this attachment. The procedure for uploading this attachment is described below in Section V.F. It is not necessary for an applicant to file a request for declaratory ruling concerning its foreign ownership if the applicant attaches to its auction application an exhibit showing that the requested license is exempt from the provisions of Section 310(b)(3) or (b)(4).

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<sup>62</sup> See *Review of Foreign Ownership Policies for Common Carrier and Aeronautical Radio Licensees under Section 310(b)(4) of the Communications Act of 1934, as Amended*, First Report and Order, 27 FCC Rcd 9832 (2012) (*Foreign Ownership First Report and Order*).

<sup>63</sup> See *Foreign Ownership Second Report and Order*, 28 FCC Rcd at 5758–5763, paras. 28–37; 47 CFR § 1.5000(a)(2). In reviewing a licensee's request to approve a higher level of foreign ownership under the Commission's Section 310(b)(3) forbearance approach, the Commission will apply the same foreign ownership policies and procedures that it applies under Section 310(b)(4). *Foreign Ownership Second Report and Order*, 28 FCC Rcd at 5758–5763, paras. 28–37.

<sup>64</sup> See 47 CFR § 1.5000(a)(1); *Foreign Ownership Second Report and Order*, 28 FCC Rcd at 5758–5763, paras. 28–37.

<sup>65</sup> See 47 CFR § 1.2105(a)(2)(v), (vi).

<sup>66</sup> *Id.* § 1.5000(b).

94. Potential applicants are encouraged to contact the Commission's staff before filing their auction applications if they have any questions about complying with the foreign ownership requirements. There is no fee associated with filing a foreign ownership petition for declaratory ruling. For information on filing such a petition through IBFS, see Part 1, Subpart Y of the Commission's rules.<sup>67</sup> Applicants that require assistance with filing a petition electronically through IBFS should direct their inquiries to Adrienne McNeil, Telecommunications & Analysis Division, International Bureau, at (202) 418-0412, or by email to [adrienne.mcneil@fcc.gov](mailto:adrienne.mcneil@fcc.gov), or contact the IBFS Help Line at (202) 418-2222. For information about what must be included in Section 310(b)(3) or (b)(4) petitions for declaratory ruling and how the Commission analyzes foreign ownership issues, see Sections 1.5000–1.5004 of the Commission's rules<sup>68</sup> and the Commission's recent foreign ownership decisions discussed herein. Inquiries regarding compliance with Section 310 of the Communications Act and the filing and processing of petitions for declaratory ruling should be directed to Susan O'Connell, Attorney-Advisor, Telecommunications & Analysis Division, International Bureau, at (202) 418-1484 or by email to [susan.oconnell@fcc.gov](mailto:susan.oconnell@fcc.gov), or to Kimberly Cook, Attorney-Advisor, Telecommunications & Analysis Division, International Bureau, at (202) 418-7532 or by email to [kimberly.cook@fcc.gov](mailto:kimberly.cook@fcc.gov).

#### E. Summary

95. The *Summary* screen summarizes the information provided in the previous screens. This screen will appear prior to the *Certify & Submit* screen and allows you to review the information you entered on previous screens and to check for inconsistencies or omissions in the information entered.

96. The *Error Summary* screen lists the sections of the application and displays any error and warning messages for each section. If errors are detected, you can click on the application section link and section name, and then make any necessary corrections. An error message will be removed once it is corrected. When all errors have been corrected, click the **CONTINUE TO CERTIFY** button. You will not be able to proceed to the *Certify & Submit* screen if any error messages appear on the *Error Summary* screen.

97. Each applicant is solely responsible for providing complete and accurate information in its FCC Form 175. The automated check for errors is provided to assist applicants in completing FCC Form 175. However, the automated check may not catch all errors, and an applicant cannot rely on the automated check to determine the completeness or the accuracy of submitted information. In addition, although you will be able to proceed to the *Certify & Submit* screen even if you receive a warning message, you should try to address or correct any issues identified in a warning before submitting your application, if possible. You should not assume that the ability to certify and submit FCC Form 175 with a warning message indicates that the subject of the warning will not affect whether the applicant will be deemed qualified to participate in the auction.

98. If the automated check does not reveal certain inconsistencies or omissions, each application section will display the message "No errors" with a green checkmark. Once this happens, you may then click the **CONTINUE TO CERTIFY** button.

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<sup>67</sup> *Id.* §§ 1.10000 *et seq.*

<sup>68</sup> *Id.* §§ 1.5000-1.5004.

**F. Attachments**

99. When an applicant needs to provide information not entered directly on the FCC Form 175 screens (e.g., a description of the relationship among indirect ownership interests of the applicant, information regarding arrangements involving the use of any spectrum capacity of an applicant claiming eligibility for a bidding credit, etc.), such information should be provided in an attachment. You can add an attachment to FCC Form 175 via the *Application Attachments* screen by clicking the **Attachments** link in the upper right of any screen. This screen requests information regarding the type of attachment to be added, the file to be attached, and a brief description of the attachment.

100. The following scenarios require an attachment. Select the appropriate “Type” for each attachment. If you do not select the appropriate attachment type, an error message will appear on the *Error Summary* screen, and the application will not be able to be certified and submitted.

- If you indicate on the *Legal Classification* screen that the applicant is a consortium, select “**Consortium**” as the “Type” of attachment in the dropdown list and upload the required attachment.
- If you are seeking a bidding credit and indicate on the *Designated Entity Bidding Credit Eligibility* screen that the applicant is eligible for the exception from the attribution requirement pursuant to Section 1.2110(f)(4)(i)(C)(2) of the Commission’s rules, select “**Rural Partnership**” as the “Type” of attachment in the dropdown list and upload the required attachment.
- If you indicate on the *Agreements with Other Parties and Joint Bidding Arrangements* screen that the applicant has entered into any agreements or arrangements that must be disclosed pursuant to Section 1.2105(a)(2)(viii) of the Commission’s rules, select “**Agreement**” as the “Type” of attachment in the dropdown list and upload the required attachment.
- If you are seeking a bidding credit and indicate on the *Revenues Attributable to DIH* screen (for applicants seeking a small business bidding credit) or *Subscribers Attributable to DIH* screen (for applicants seeking a rural service provider bidding credit) that a DIH uses, or has an agreement to use, more than 25 percent of the spectrum capacity of any license selected in the application that may be won by the applicant or, if applicable, any license that may be won by the applicant in any license area selected in the application, select “**Spectrum Use**” as the “Type” of attachment in the dropdown list and upload the required attachment.
- If you indicate on the *Add Disclosable Interest Holder Type* screen that one or more DIH has an indirect ownership interest in the applicant, select “**Indirect Ownership**” as the “Type” of attachment in the dropdown list and upload the required attachment.

101. For any other attachments the applicant needs or wishes to submit in support of its application, select the appropriate attachment “Type” in the dropdown list. To upload any information concerning an applicant’s foreign ownership, select “Foreign Ownership” as the “Type” of attachment in the dropdown list. If a request for a waiver or exemption of any of the Commission’s rules or procedures needs to be submitted, select “Waiver” as the “Type” of attachment in the dropdown list to help facilitate prompt processing of the request. A request for

confidential treatment of information submitted with an application should be identified as such by selecting “Confidential Treatment” as the “Type” of attachment in the dropdown list.<sup>69</sup>

102. After selecting the correct file attachment, click the **UPLOAD FILE** button. You may experience a short delay as the system processes an uploaded attachment. A list of any attachments already uploaded to an applicant’s FCC Form 175 will appear at the bottom of the screen.

103. When uploading attachments, you may use a variety of file formats, including Word (.doc and .docx), Adobe PDF (.pdf), and text files (.txt and .odt). Any files uploaded will be automatically converted to a .pdf format. You must verify that the files contain all attachment information. Any uploaded files may be no larger than 10 MB each and must not be password-protected. Graphics files (e.g., .bmp, .tiff, .jpg) are not supported. Spreadsheets (.xls, .xlsx, and .csv) are supported but are not recommended.

104. Once all attachments are uploaded, click the **CONTINUE** button. After the FCC Form 175 filing deadline, an application attachment may not be deleted or withdrawn. If an applicant needs to modify information provided in an attachment after the initial filing deadline, it must submit a new attachment with the modified/updated information and indicate that the new attachment replaces the previous attachment.

### **G. Certify and Submit**

105. The *Certify & Submit* screens provide several certifications required of all Auction 101 and Auction 102 applicants.<sup>70</sup> The *Certify & Submit* screens also request that the applicant’s certifying official be identified and sign the application.

106. An FCC Form 175 must be certified by a person with the authority to bind the applicant. In the event that changes are made to any of the information in FCC Form 175 after the application filing deadline, the person that originally certified the application will have to certify the changes as well. The person certifying the application cannot be changed in the Auction Application System after the application filing deadline.

107. Applicants are reminded that submission of an FCC Form 175 constitutes a representation by the person certifying that he or she is an authorized representative of the applicant with the authority to bind the applicant and has read the form’s instructions and certifications. Submission of an FCC Form 175 also constitutes a representation by the person certifying that the contents of the application, its certifications, and any attachments are true, complete, and correct. Submission of a false certification may result in penalties, including monetary forfeitures, license forfeitures, ineligibility to participate in future auctions, and/or criminal prosecution.

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<sup>69</sup> An applicant requesting confidential treatment of any information submitted with its short-form application must follow the requirements set forth in Section 0.459 when submitting this attachment, including providing a statement of the reasons for withholding the information for which confidential treatment is sought from inspection and the facts upon which those records are based. *See* 47 CFR § 0.459(b). The Commission will not consider casual requests for confidential treatment (e.g., selecting “Confidential Treatment” as the attachment type without providing the information required under Section 0.459).

<sup>70</sup> *See id.* § 1.2105(a)(2).

108. Once the *Certify & Submit* screens have been filled out, click on the **CERTIFY & SUBMIT** button to submit the application.<sup>71</sup> Information in an application will not be considered by the Commission for either Auction 101 or Auction 102 unless the applicant's certifying official clicks the **CERTIFY & SUBMIT** button on this screen for each application.

109. After an application has been submitted, a confirmation screen will be displayed that states the submission time and date, along with a unique file number. The applicant is strongly encouraged to print or save a copy of the confirmation page for each application it submits (i.e., for Auction 101 and/or Auction 102) for its records. The applicant may view and print copies of its submitted application by clicking the **Print** link under the file number or by using the **Print** link in the upper right of the screen.

110. FCC Form 175 applications for Auctions 101 and 102 must be submitted and confirmed prior to **6:00 p.m. ET on September 18, 2018**. Late applications or unconfirmed submissions will not be accepted.

#### **H. Withdrawing a Short-Form Application**

111. An applicant may withdraw its short-form application only during the initial filing window. To withdraw a submitted application before the filing deadline, click on the **Withdraw Application** icon on the *Review or Modify Existing Short-Form Applications* section of the *Auction Application Manager* screen. The entire FCC Form 175, including all previously submitted data and any uploaded attachments, will be deleted. **An application may not be withdrawn after the application filing deadline of 6:00 p.m. ET on September 18, 2018.**

112. Each applicant that submits an FCC Form 175 to participate in Auction 101 and/or Auction 102 becomes subject to the Commission's prohibition on certain communications as of the application filing deadline. The prohibition applies to applicants in either auction until the Auction 102 post-auction down payment deadline, regardless of whether an applicant in either auction has an application that has been deemed to be complete, becomes a qualified bidder, places a bid, or is no longer bidding in either auction.<sup>72</sup>

#### **I. Updating an Existing Short-Form Application**

113. The *Review or Modify Existing Short-Form Applications* section of the *Auction Application Manager* screen displays any application created or submitted within an application filing window. This screen shows which auction the application was filed for, the application status, the date and time the application was last modified, and the date and time the application was last submitted. It may be used as a reference to confirm the date and time of the most recent submission of an application.

114. To review or continue working on an existing short-form application, click the auction number for the application you want to review or modify (i.e., click on "101" for your Auction 101 application or "102" for your Auction 102 application), which will display the application's *Summary* screen in a view/edit mode. To submit any changes made to FCC Form 175, go to the *Certify Auction Application* screen and click the **CERTIFY & SUBMIT** button. After the revised application has been submitted, a confirmation page will display the

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<sup>71</sup> Please allow up to several minutes for processing once you click the **CERTIFY & SUBMIT** button, particularly if the applicant has a large number of ownership entries. To avoid technical complications, do not click the **CERTIFY & SUBMIT** button more than once while waiting for system to process your submission.

<sup>72</sup> See *Auctions 101 and 102 Procedures Public Notice* at 25, paras. 57 & n.137, 61.

application's file number and submission time and date. An applicant is strongly encouraged to print or save a copy of the confirmation page for each application it submits (i.e., for Auction 101 and/or Auction 102) for its records. You may view and print copies of a submitted application by clicking on the **Print** link under the file number or by using the **Print** link in the upper right of the screen.

115. After the initial FCC Form 175 filing deadline, an applicant will be permitted to make only minor changes to its application(s).<sup>73</sup> Examples of minor changes include the deletion or addition of authorized bidders (to a maximum of three); the revision of addresses and telephone numbers of the applicant, its responsible party, and its contact person; and change in the applicant's selected bidding option (electronic or telephonic). Major modification to an FCC Form 175 (e.g., change of license or license area selection, certain changes in ownership that would constitute an assignment or transfer of control of the applicant, change in the required certifications, change in applicant's legal classification that results in a change in control, or change in claimed eligibility for a higher percentage of bidding credit) will not be permitted after the initial FCC Form 175 filing deadline.<sup>74</sup>

116. An applicant's ability to modify its FCC Form 175 directly in the Auction Application System will be limited between the closing of the initial filing window and the opening of the application resubmission filing window, and again between the closing of the resubmission filing window and the release of the public notice announcing the qualified bidders for an auction. During these periods, an applicant will be able to view its submitted application, but will be permitted to modify only the applicant's address, responsible party address, contact information (e.g., name, address, telephone number, etc.), and bidding preference (telephonic or electronic) in the Auction Application System. If, during these periods, an applicant needs to make other permissible minor changes to its FCC Form 175, or changes to maintain the accuracy and completeness of its application,<sup>75</sup> the applicant must submit a letter briefly summarizing the changes to its FCC Form 175 via email to [auCTION101@fcc.gov](mailto:auCTION101@fcc.gov) for Auction 101 and [auCTION102@fcc.gov](mailto:auCTION102@fcc.gov) for Auction 102. The email summarizing the changes must include a subject line referring to Auction 101 or Auction 102, as appropriate, and the name of the applicant, for example, "Re: Changes to Auction 101 Auction Application of XYZ Corp." Any attachments to the email must be formatted as Adobe® Acrobat® (PDF) or Microsoft® Word documents. An applicant that submits its changes in this manner must subsequently modify, certify, and submit its FCC Form 175 application(s) electronically in the Auction Application System once it is again open and available to applicants.

## **VI. UPFRONT PAYMENTS; REQUEST FOR REFUND OF UPFRONT PAYMENT**

### **A. Upfront Payment Calculator and FCC Form 159**

117. In order to be eligible to bid in Auction 101 or Auction 102, a sufficient upfront payment and a complete and accurate FCC Remittance Advice Form (FCC Form 159, Revised 2/03) must be submitted for each auction before 6:00 p.m. ET on the applicable deadline.<sup>76</sup> You

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<sup>73</sup> See *Auctions 101 and 102 Procedures Public Notice* at 43, para. 112.

<sup>74</sup> See 47 CFR § 1.2105(b)(2); *Auctions 101 and 102 Procedures Public Notice* at 43, para. 112.

<sup>75</sup> See *Auctions 101 and 102 Procedures Public Notice* at 44-45, para. 116.

<sup>76</sup> For Auction 101, the deadline for submitting upfront payments and FCC Form 159 is October 23, 2018. For Auction 102, the deadline for submitting upfront payments and FCC Form 159 will be announced in a later public notice. See *Auctions 101 and 102 Procedures Public Notice* at 13, para. 27.

may access the **Upfront Payment Calculator and Form 159** icon or link from the *Review or Modify Existing Short-Form Applications* section of the *Auction Application Manager* screen and the *Confirmation of Submission* screens, respectively. Clicking the **Upfront Payment Calculator and Form 159** link or icon will provide a calculator to determine the appropriate upfront payment amount to submit with the FCC Form 159. From the *Calculate Upfront Payment* screen, click the **FORM 159** button to obtain the FCC Form 159. Additional information about upfront payments may be found in the *Auctions 101 and 102 Procedures Public Notice*, and information on how to complete and submit the FCC Form 159 for Auction 101 may be found in the FCC Form 159 instructions released concurrently with the *Auctions 101 and 102 Procedures Public Notice* and these instructions.<sup>77</sup>

#### **B. Refund of Upfront Payment**

118. You can use the **Refund Form** icon found on the *Review or Modify Existing Short-Form Applications* section of the *Auction Application Manager* screen or the **Refund Form** link available on the *Confirmation of Submission* screen in the Auction Application System to access the form required for refunds of upfront payments. The Commission will use this information to refund excess funds on deposit. Additional information on how to submit the Refund Form may be found in the *Auctions 101 and 102 Procedures Public Notice*.<sup>78</sup>

### **VII. PUBLIC AVAILABILITY OF APPLICATION INFORMATION**

119. All information that is required to be submitted as part of an application to participate in either Auction 101 or Auction 102 is necessary to determine each applicant's qualifications to participate in each auction. Short-form application information will generally be publicly available after the Commission releases a public notice with the initial status of all timely submitted applications. However, consistent with the Commission's limited information procedures in place for Auctions 101 and 102, certain information in each application will not be publicly available until after bidding in both auctions has closed.<sup>79</sup> Accordingly, an applicant should take care not to include any unnecessary sensitive information, such as Taxpayer Identification Numbers or Social Security Numbers, in its application. An applicant may request that information submitted in its application not be made routinely available for public inspection following the procedures set forth in Section 0.459 of the Commission's rules.<sup>80</sup> Such requests must be included as an attachment to the applicant's FCC Form 175 and must, among other things, identify the specific information to which the request applies.<sup>81</sup>

120. Applicants are cautioned that because the required information submitted in FCC Form 175 bears on each applicant's qualifications, requests for confidential treatment will not be routinely granted. The Commission has held generally that it may publicly release confidential business information where the party has put that information at issue in a Commission proceeding or where the Commission has identified a compelling public interest in disclosing the

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<sup>77</sup> See *Auctions 101 and 102 Procedures Public Notice* at 50-55, paras. 144-58. Detailed instructions for submitting an FCC Form 159 for Auction 102 will be released after the close of Auction 101. See *id.* at 13, para. 27 n.58.

<sup>78</sup> See *Auctions 101 and 102 Procedures Public Notice* at 86-87, paras. 298-99.

<sup>79</sup> See *Auctions 101 and 102 Procedures Public Notice* at 22, para. 50.

<sup>80</sup> 47 CFR § 0.459.

<sup>81</sup> The procedure for uploading application attachments is described above in Section V.F (Attachments).

information.<sup>82</sup> In this regard, the Commission has specifically held that information submitted in support of receiving bidding credits in auction proceedings should be made available to the public.<sup>83</sup>

## **VIII. MISCELLANEOUS**

### **A. Access to View Short-Form Applications**

121. After the deadline for filing short-form applications, the Commission will process all timely submitted applications and subsequently issue a public notice for each auction identifying those applications that are (1) complete and (2) incomplete or deficient because of minor defects that may be corrected. Following the release of that public notice for a particular auction, any interested parties may view the auction applications (except for any application information that is subject to the limited information disclosure procedures adopted by the Commission for Auctions 101 and 102<sup>84</sup>) by searching for them in the Commission's database.

122. To start a search, go to either [auctions.fcc.gov](http://auctions.fcc.gov) (primary location) or [auctions2.fcc.gov](http://auctions2.fcc.gov) (secondary location) and click the **Auction Application Search** link in the "Public Access" area on the Auction Application System screen.

### **B. Contact Information**

123. For further information concerning Auction 101 and/or Auction 102, contact the appropriate individual or office listed below:

#### **FCC Auctions Hotline**

General Auction Questions

(888) 225-5322, option two; or

Auction Process and Procedures

(717) 338-2868

Hours of service: 8:00 a.m. – 5:30 p.m. ET,  
Monday through Friday

#### **Auctions and Spectrum Access Division, Wireless Telecommunications Bureau**

For general auction questions:

Auctions Hotline at (717) 338-2868

For auction legal questions:

Erik Beith or Kathryn Hinton at (202) 418-0660

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<sup>82</sup> See *Examination of Current Policy Concerning Treatment of Confidential Information Submitted to the Commission*, Report and Order, 13 FCC Red 24816, 24822-23, para. 8 (1998).

<sup>83</sup> See *SAL Spectrum, LLC – Request for Confidential Treatment of Subscriber Information Provided in FCC Form 175*, Letter Order, 31 FCC Rcd 3726 (WTB 2016) (denying a request for confidentiality of the number of wireless, wireline, broadband, and cable subscribers submitted by an applicant for only those affiliates operating in the United States); *Application of Northeast Communications of Wisconsin, Inc.; Request for Confidential Treatment of Financial Information Contained in FCC Form 175 Filing in the Local Multipoint Distribution Service*, Memorandum Opinion and Order, 15 FCC Red 3289, 3291, para. 6 (2000) (*Northeast Communications*) (denying application for review by an auction applicant seeking confidentiality of financial information submitted in its short-form application in support of its claim of eligibility for a small business bidding credit); *AMTS Consortium, LLC*, Memorandum Opinion and Order, 25 FCC Red 526, 530, para. 15 (2010) (citing *Northeast Communications* and distinguishing the denial of confidential treatment for information necessary to determine bidding credit eligibility from the grant of confidential treatment for other types of transactional information); *Bartholdi Cable Co. v. FCC*, 114 F.3d 274 (D.C. Cir. 1997) (*Bartholdi*) (holding that the public had a compelling interest in the information on unauthorized operations which was at issue because it had a direct bearing on the applicant's qualifications as a Commission licensee).

<sup>84</sup> See *Auctions 101 and 102 Procedures Public Notice* at 22, para. 50.

## Federal Communications Commission

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### **Broadband Division, Wireless Telecommunications Bureau**

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