



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
1919 M STREET, N.W.  
WASHINGTON, D.C. 20554

News Media Information: (202) 418-0500  
Fax-On-Demand: (202) 418-2830  
Internet: <http://www.fcc.gov>  
<ftp.fcc.gov>

DA 98-2542  
December 16, 1998

## VHF Public Coast Service Auction Closes

### Winning Bidders In the Auction of 42 Licenses in the 156–162 MHz VHF Public Coast Service

Down Payments Due December 31, 1998  
FCC Form 601s Due December 31, 1998

*Ten-Day Petition to Deny Period*

#### Report No. AUC-20-E (Auction No. 20)

On December 14, 1998, the Federal Communications Commission completed the auction of 42 licenses for the VHF Public Coast Service, raising (in net high bids) a total of \$7,459,200.00 for the U.S. Treasury. Four winning bidders won a total of 26 VHF Public Coast Service geographic area licenses.

This public notice provides detailed information concerning winning bidders, down payments, bid withdrawal payments and/or deposits, FCC Form 601 filing requirements, requests for rule waivers, and licensing matters. Key information appears in the following attachments:

- Attachment A:** Lists the winning bidders, the licenses won by each winning bidder, and both the gross and net high winning bid amounts.
- Attachment B:** Lists the down payments and any withdrawn bid payments owed by winning bidders.

- Attachment C:** Lists withdrawn bid payments owed by all bidders.
- Attachment D:** Provides detailed information about how winning bidders should complete their required FCC Form 601 for VHF Public Coast Service license applications.
- Attachment E:** Provides instructions for registering and filing the FCC Form 601 electronically.
- Attachment F:** Provides instructions for accessing the FCC Network using Windows 95/98.

A copy of this public notice will be sent via overnight mail to each winning bidder.

**Future VHF Public Coast Service Auction.** The Commission plans to conduct an auction in the second or third quarter of 1999 that will include the 16 VHF Public Coast Service licenses for which there was no winning bidder in Auction No. 20. The date of this auction, and the terms, conditions, and procedures, will be announced by public notice.

**Down payments.** The Commission's rules require that within ten business days after the release of this public notice, in this case, by 6:00 p.m. ET on December 31, 1998, winning bidders in the VHF Public Coast Service auction must have on deposit with Mellon Bank in Pittsburgh, Pennsylvania, enough funds to cover all required: (1) down payments on winning bids, and (2) payments for withdrawn bids. If a bidder's upfront payment is not sufficient to meet both of these requirements, the bidder must deposit additional funds. *See* 47 C.F.R. § 1.2107(b).<sup>1</sup>

The amount now due from each bidder, if any, is set out in the last column of **Attachment B**. *Note that only if a bidder's upfront payment covers the required total of down payments and withdrawn bid payments (as reflected in Attachment B) is no payment or FCC Form 159 necessary at this time.* Each bidder's down payment must be a total of twenty (20) percent of its net winning bid(s) plus any withdrawal payments.

**Final payments.** After the termination of the licensing pleading cycle (*see* 47 C.F.R. § 1.2108), the Commission will issue a public notice announcing that it is prepared to grant the licenses. Within ten business days after the date of that public notice, winning bidders will be required to make full payment of the balance of their winning bids. *See* 47 C.F.R. §§ 1.2109 and 1.2107(b). Licenses will be granted only after final payment is made.

**Method of payment.** All payments must be in U.S. dollars and made in the form of a wire transfer. No personal checks, credit card payments, or other forms of payment will be

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<sup>1</sup> In the event a bidder has withdrawn a bid(s) and is subject to a bid withdrawal payment(s), the bidder's upfront payment will be first applied to satisfy the withdrawal payment(s) before being applied toward its down payment.

accepted. All payments must be accompanied by a completed FCC Remittance Advice Form (FCC Form 159).<sup>2</sup> A partially completed copy of the FCC Form 159 will be sent to each winning bidder within three (3) business days following release of this public notice to facilitate submission of the correct down payment. Winning bidders that have not received the partially completed FCC Form 159 by that date should contact Geoffrey Idika at 202-418-1995. **However, winning bidders are ultimately responsible for the verification and submission of the correct down payment.**

**Wire transfer payments** must be **received** by Mellon Bank by **6:00 p.m. ET, on December 31, 1998**. Bidders should coordinate with their bankers ahead of time regarding their wire transfers, and allow sufficient time for the wire transfer to be **initiated and completed prior to the deadline**. To submit funds by wire transfer, bidders will need the following information:

ABA Routing Number: 043000261  
Receiving Bank: Mellon Pittsburgh  
BNF: 911-6106  
OBI Field: (Skip one space between each information item)  
"AUCTIONPAY"  
TAXPAYER IDENTIFICATION NO. (same as FCC Form 159, Block 25)  
PAYMENT TYPE CODE (same as FCC Form 159, Block 20A: "APWD")  
FCC CODE 1 (same as FCC Form 159, Block 23A: "20")  
PAYOR NAME (same as FCC Form 159, Block 2)  
LOCKBOX NO. 358850

Bidders must fax a completed FCC Form 159 to Mellon Bank at 412-236-5702 at least one hour before placing the order for the wire transfer (but on the same business day).

Proper completion of the **FCC Form 159** is critical to ensuring correct credit of bidder deposits. **Bidders must use the same Taxpayer Identification Number used on their FCC Form 175**. Questions concerning the calculation and submission of down payments should be directed to Gail Glasser at 202-418-1995.

**Withdrawal, default and disqualification payments.** The Commission will impose payments on bidders that withdraw high bids during the course of an auction, or that default on payments due after an auction closes, or that are disqualified. A bidder that withdraws a high bid during the course of an auction is subject to a payment equal to the difference between the amount withdrawn and the amount of the subsequent winning bid. In the case of a license not selling in the same auction, the withdrawal payment is based on the selling price the next time the license is offered by the Commission. If the withdrawn bid amount was subject to a bidding credit, the bid withdrawal payment would be either the difference between the net withdrawn bid

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<sup>2</sup> Copies of the FCC Form 159 may be obtained by calling the Commission's Forms Distribution Center at 1-800-418-3676 (outside Washington, D.C.) or 202-418-3676 (in the Washington area). Copies of the FCC Form 159 can also be obtained via the Internet (<http://www.fcc.gov/formpage.html>) or by Fax-On-Demand (202-418-2830).

and the subsequent net winning bid, or the difference between the gross withdrawn bid and the subsequent gross winning bid, whichever is less. No withdrawal payment is assessed if the subsequent winning bid exceeds the withdrawn bid. This payment amount is deducted from any upfront payments or down payments that the withdrawing bidder has deposited with the Commission. *See* 47 C.F.R. 1.2104(g)(1). In those cases where the amount of the withdrawal payment cannot yet be determined because there was no subsequent winning bid, the withdrawing bidder is required to make a three (3) percent deposit on the net amount of the withdrawn bid on the license(s). Implementation of Section 309(j) of the Communications Act—Competitive Bidding, PP Docket No. 93-253, *Fifth Report and Order*, 9 FCC Rcd 5532, 5563 at n. 51 (1994); C.H. PCS, Inc., Order, 11 FCC Rcd 22430 (Wireless Tel. Bur., 1996) (requiring a three percent deposit for default payments). When it becomes possible to calculate and assess the payment, we will notify these bidders. As discussed above, a bidder's upfront payment will first be applied toward its withdrawn bid payment.

If a high bidder defaults or is disqualified after the close of the auction, the defaulting bidder will be subject to the same payment obligations as described above, plus an additional payment equal to three (3) percent of the subsequent winning bid. If the subsequent winning bid exceeds the defaulting bidder's bid amount, the three (3) percent payment is calculated based on the defaulting bidder's bid amount. If either bid amount was subject to a bidding credit, the three (3) percent credit will be calculated using the same bid amounts and basis (net or gross bids) as in the calculation of the payment for withdrawn bids prior to the close of the auction. *See* 47 C.F.R. 1.2104(g)(2).

If a winning bidder fails to remit the required down payment within ten (10) business days after the Commission has declared competitive bidding closed, in this case, December 31, 1998, the bidder will be deemed to have defaulted, its application will be dismissed, and it will be liable for a default payment as described above. In such event, the Commission, at its discretion, may either auction the spectrum to existing or new applicants, or offer it to the other highest bidders (in descending order) at their final bids. *See* 47 C.F.R. 1.2109(b).

If a winning bidder fails to pay the balance of its winning bids in a lump sum by the applicable deadline as specified by the Commission, it will be allowed to make payment within ten (10) business days after the payment deadline provided that it also pays a late fee equal to five (5) percent of the amount due. When a winning bidder fails to pay the balance of its winning bid plus late fee by the late payment deadline, it is considered to be in default on its license(s) and subject to the applicable default payments. Licenses will be awarded upon the full and timely payment of winning bids and any applicable late fees. *See* 47 C.F.R. § 1.2109(a). A winning bidder that is found unqualified to be a licensee, fails to remit the balance of its winning bid in a timely manner, or defaults, or is disqualified for any reason after having made the required down payment, will be deemed to have defaulted and will be liable for the payment set forth in § 1.2104(g)(2). In such event, the Commission may either auction the spectrum to existing or new applicants or offer it to the other highest bidders (in descending order) at their final bids. *See* 47 C.F.R. § 1.2109(c).

Finally, bidders that are found to have violated the antitrust laws or the Commission's rules

in connection with their participation in the competitive bidding process may be subject, in addition to any other applicable sanctions, to forfeiture of their upfront payment, down payment, or full bid amount, and may be prohibited from participating in future auctions. *See* 47 C.F.R. 1.2109(d).

**Attachment B** identifies bidders that owe withdrawal payments to the Commission.

**Refund of excess upfront payments (for winning bidders).** Upfront monies on deposit which are in excess of the required down payment, withdrawal and/or default payment amounts will be refunded to the payor of record promptly upon receipt of the necessary wire transfer instructions. Winning bidders must fax the necessary wire transfer instructions to Geoffrey Idika at 202-418-2843. Any questions concerning refunds should be referred to Geoffrey Idika at 202-418-1995.

**Refund of upfront payments (for non-winning bidders).** Non-winning bidders must fax the necessary wire transfer instructions to Geoffrey Idika at 202-418-2843. Any questions concerning refunds for non-winning bidders should be referred to Geoffrey Idika at 202-418-1995.

## **FCC FORM 601**

By **5:30 p.m. ET on December 31, 1998**, winning bidders must submit completed long-form license application(s) covering each license for which they were the winning high bidder. Applications may be filed either electronically or manually, though the Commission encourages electronic filing. **Attachment D** sets out instructions for completing the FCC Form 601. This form replaces FCC Form 600 in conjunction with our development of the new universal licensing system for filing and processing of applications in wireless services.

**Electronic filing.** Detailed instructions for registering and filing the Form 601 electronically are set out in **Attachment E**.

**Manual filing.** Manual filers must complete the FCC Form 601 Main Form and Schedule B and attach any exhibits. Manual filers are requested to submit a "clean" (*i.e.*, without lines, markings, footnotes, tables, charts, etc.) original application which does not contain any information in spreadsheet format. Manual filers must mail or deliver the original application to:

FCC Form 601 Filing, Auction No. 20  
Federal Communications Commission  
Wireless Telecommunications Bureau  
Information Technology Division  
1270 Fairfield Road  
Gettysburg, Pennsylvania 17325-7245

Copies of FCC Form 601 can be obtained by calling the Commission's Forms Distribution Center at 1-800-418-3676 (outside Washington, D.C.) or 202-418-3676 (in the Washington

area). Copies of FCC Form 601 can also be obtained via the Internet (<http://www.fcc.gov/formpage.html>) or by Fax-On-Demand (202-418-2830).

All manually filed FCC Form 601s shall be submitted on one original paper copy. Additionally, all Attachments to manually filed applications shall be filed on a standard 3.5" magnetic diskette formatted to be readable by high density floppy drives operating under MS-DOS (version 3.X or later compatible versions). Each diskette submitted must contain an ASCII text file listing each filename and a brief description of the contents of each file and format for each document on the diskette. The files on the diskette, other than the table of contents, should be in Adobe Acrobat Portable Document Format (PDF) whenever possible. All diskettes submitted must be legibly labelled, referencing the application and its filing date. Manual filers should review each exhibit file to ensure that the information contained in the exhibit is complete.

**Failure to timely file FCC Form 601 or sign a manually-filed FCC Form 601 will result in dismissal of the application. Only original signatures will be accepted for manually-filed applications.**

**Multiple filings.** If an applicant submits more than one FCC Form 601 (*e.g.*, one manually filed and one electronically filed), the electronic filing will be considered by the Commission and the manual filing will be discarded as a duplicate filing. This policy will apply regardless of which filing is received first at the Commission. In the event an applicant submits the same filing twice and would like the manual filing to be considered, the applicant must call Scot Stone of the Public Safety and Private Wireless Division at 202-418-0680 to request to withdraw the electronic filing.

**Applications for multiple licenses.** Electronic or manual filers applying for multiple licenses are not required to submit a separate Form 601 application for each market if **all** filing requirements associated with the application (name and address information, all ownership and eligibility attachments, and waiver requests) are identical **except** for the market designator, channel block and market name (for the VHF Public Coast Auction, this would be the VPC geographic area license designator; for example, VPC 001--Northern Atlantic). Under these circumstances, applicants may submit *one* FCC Form 601 Main Form and Schedule B.

Electronic or manual filers whose name and address, ownership, eligibility, and waiver requests are identical for some licenses but different for others may utilize this streamlined filing procedure only for those licenses that have identical filing information. For those licenses with unique information, a separate application must be submitted.

**Application processing and license grant.** Pursuant to 47 C.F.R. § 1.2108(b) and the Balanced Budget Act of 1997, Pub. L. 105-33, 111 Stat. 251 (1997), interested parties will have **ten (10) days** after the Commission gives public notice that the FCC Form 601s are acceptable for filing to file petitions to deny. An applicant may file an opposition to any petition to deny within **five (5) days** after the time for filing petitions to deny has expired. 47 C.F.R. § 1.2108(c). The petitioner may file a reply to such opposition within **five (5) days** after the time for filing oppositions has expired. 47 C.F.R. § 1.2108(c). If the Commission determines that an applicant

is qualified and there is no substantial and material issue of fact concerning that determination, it will grant the application.

**Anti-collusion rules.** To ensure the competitiveness of the auction process, the Commission's Rules prohibit applicants for the same geographic license area from communicating with each other during the auction about bids, bidding strategies, or settlements. This prohibition begins with the filing of short-form applications, and ends on the down payment due date. To comply with this rule, bidders competing for the same license(s) are encouraged not to use the same individual authorized bidder. A violation of the anti-collusion rule could occur if an individual acts as the authorized bidder for two or more competing applicants, and conveys information concerning the substance of bids or bidding strategies between the bidders he/she is authorized to represent in the auction. Also, if the authorized bidders are different individuals employed by the same organization (*e.g.*, law firm or consulting firm), a violation could similarly occur. In such instances, the Bureau **strongly encourages** applicants to certify on their applications that precautionary steps (*e.g.*, establishing a "Chinese wall") have been taken to prevent communication between authorized bidders and that applicants and their bidding agents will comply with the anti-collusion rule.<sup>3</sup> The Bureau, however, cautions that merely filing a certifying statement as part of an application will not outweigh specific evidence that collusive behavior has occurred nor will it preclude the initiation of an investigation when warranted.<sup>4</sup> In the VHF Public Coast Service auction, for example, the rule would apply to applicants bidding for the same VPC. Therefore, applicants that apply to bid for "all markets" would be precluded from communicating with all other applicants after filing the FCC Form 175. However, applicants may enter into bidding agreements *before* filing their FCC Form 175 short-form applications, as long as they disclose the existence of the agreement(s) in their Form 175 short-form applications.<sup>5</sup> By signing their FCC Form 175 short form applications, applicants are certifying their compliance with Section 1.2105(c). In addition, Section 1.65 of the Commission's Rules requires an applicant to *maintain* the accuracy and completeness of information furnished in its pending application and to notify the Commission within 30 days of any substantial change that may be of decisional significance to that application.<sup>6</sup> Thus, Section 1.65 requires an auction applicant to notify the Commission of any violation of the anti-collusion rules upon learning of such violation. Bidders are therefore required to make such notification to the Commission immediately upon discovery.

**Post-Auction Forum.** The Wireless Telecommunications Bureau will sponsor a joint post-auction forum for bidders that participated in the VHF Public Coast Service auction, as well

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<sup>3</sup> See, *e.g.*, "Wireless Telecommunications Bureau Responds to Questions About the Local Multipoint Distribution Service Auction," *Public Notice*, 13 FCC Rcd 341 (1998); *In re Application of Nevada Wireless for a License to Provide 800 MHz Specialized Mobile Radio Service in the Farmington, NM-CO Economic Area (EA-155) Frequency Band A*, *Memorandum Opinion and Order*, 13 FCC Rcd 11973, 11977, ¶ 11 (1998) ("*Nevada Wireless*").

<sup>4</sup> See *Nevada Wireless*, 13 FCC Rcd at 11978, ¶ 13 (1998).

<sup>5</sup> See 47 C.F.R. § 1.2105(c).

<sup>6</sup> See 47 C.F.R. § 1.65.

as bidders in the recently-concluded Phase II 220 MHz Service auction and the upcoming Location and Monitoring Service auction. This forum, which will be announced by a forthcoming public notice, will be held after the completion of Location Monitoring Service auction. The purpose of this forum is to receive feedback from bidders on the auctions process and their experience. In addition, bidders are encouraged to use this forum to present specific recommendations for improving the operational components of the auctions process. Among the general topics to be discussed are information dissemination, application processing and payment, and the overall conduct of the auction. Key FCC staff will be available to answer questions.

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**For further information, contact:**

News Media: Meribeth McCarrick at 202-418-0654

Technical Support Hotline: Technical Support Personnel  
at 202-414-1250 (V)  
or 202-414-1255 (text telephone (TTY))

Office of the Managing Director  
(Payment, FCC Form 159 and refund questions) Regina Dorsey, Gail Glasser or  
Linwood Jenkins at 202-418-1995

Wireless Telecommunications Bureau,  
Public Safety & Private Wireless Division  
(FCC Form 601 questions) Scot Stone at 202-418-0680

Wireless Telecommunications Bureau,  
Auctions and Industry Analysis Division  
(Auction-related questions) Jeff Garretson, Bob Reagle, or  
Anne Napoli at 202-418-0660.

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**VHF Public Coast Service Auction**  
**Round Results, High Bids**  
**Auction ID: 20**

**Attachment A**



Date of Report: 12/15/98 11:04 Eastern Time

| Market No                               | Freq Block         | License Description | Round of High Bid | FCC Account Number | Name                    | Date/Time of Bid  | Net Bid Amount     | Gross Bid Amount   |
|---|--------------------|---------------------|-------------------|--------------------|-------------------------|-------------------|--------------------|--------------------|
| <b>500 kHz Maritime Border VPCs</b>     |                    |                     |                   |                    |                         |                   |                    |                    |
| VPC001                                  | Northern Atlantic  |                     | 21                | 0201052541         | WJG MariTEL Corporation | 12/9/98 12:01:25  | \$900,000          | \$900,000          |
| VPC005                                  | Great Lakes        |                     | 21                | 0201052541         | WJG MariTEL Corporation | 12/9/98 12:01:25  | \$662,000          | \$662,000          |
| VPC007                                  | Northern Pacific   |                     | 43                | 0201052541         | WJG MariTEL Corporation | 12/14/98 10:30:44 | \$448,000          | \$448,000          |
| <b>Subtotal</b>                         |                    |                     |                   |                    |                         |                   | <b>\$2,010,000</b> | <b>\$2,010,000</b> |
| <b>450 kHz Maritime Non-Border VPCs</b> |                    |                     |                   |                    |                         |                   |                    |                    |
| VPC002                                  | Mid-Atlantic       |                     | 21                | 0201052541         | WJG MariTEL Corporation | 12/9/98 12:01:25  | \$647,000          | \$647,000          |
| VPC003                                  | Southern Atlantic  |                     | 21                | 0201052541         | WJG MariTEL Corporation | 12/9/98 12:01:25  | \$370,000          | \$370,000          |
| VPC004                                  | Mississippi River  |                     | 29                | 0201052541         | WJG MariTEL Corporation | 12/10/98 13:33:01 | \$2,423,000        | \$2,423,000        |
| VPC006                                  | Southern Pacific   |                     | 35                | 0201052541         | WJG MariTEL Corporation | 12/11/98 11:02:01 | \$1,298,000        | \$1,298,000        |
| VPC008                                  | Hawaii             |                     | 25                | 0201052541         | WJG MariTEL Corporation | 12/10/98 9:03:38  | \$28,000           | \$28,000           |
| VPC009                                  | Alaska             |                     | 25                | 0201052541         | WJG MariTEL Corporation | 12/10/98 9:03:38  | \$28,000           | \$28,000           |
| <b>Subtotal</b>                         |                    |                     |                   |                    |                         |                   | <b>\$4,794,000</b> | <b>\$4,794,000</b> |
| <b>350 kHz Inland Border VPCs</b>       |                    |                     |                   |                    |                         |                   |                    |                    |
| VPC010                                  | Grand Forks, ND-MN |                     | 17                | FCC999999          | FCC                     | 12/3/98 9:00:00   | \$0                | \$0                |
| VPC011                                  | Minot, ND          |                     | 16                | FCC999999          | FCC                     | 12/3/98 9:00:00   | \$0                | \$0                |
| VPC028                                  | Billings, MT-WY    |                     | 30                | 0201721241         | Warren C. Havens        | 12/10/98 14:43:25 | \$12,350           | \$19,000           |
| VPC029                                  | Great Falls, MT    |                     | 30                | 0201721241         | Warren C. Havens        | 12/10/98 14:43:25 | \$14,950           | \$23,000           |
| VPC030                                  | Missoula, MT       |                     | 30                | 0201721241         | Warren C. Havens        | 12/10/98 14:43:25 | \$12,350           | \$19,000           |
| <b>Subtotal</b>                         |                    |                     |                   |                    |                         |                   | <b>\$39,650</b>    | <b>\$61,000</b>    |
| <b>350 kHz Inland Non-Border VPCs</b>   |                    |                     |                   |                    |                         |                   |                    |                    |
| VPC012                                  | Bismarck, ND-MT-SD |                     | 30                | FCC999999          | FCC                     | 12/3/98 9:00:00   | \$0                | \$0                |
| VPC013                                  | Aberdeen, SD       |                     | 30                | FCC999999          | FCC                     | 12/3/98 9:00:00   | \$0                | \$0                |

**VHF Public Coast Service Auction  
Round Results, High Bids  
Auction ID: 20**

**Attachment A**



**Date of Report: 12/15/98 11:04 Eastern Time**

| <b>Market No</b>                      | <b>Freq Block</b>             | <b>License Description</b> | <b>Round of High Bid</b> | <b>FCC Account Number</b> | <b>Name</b>                     | <b>Date/Time of Bid</b> | <b>Net Bid Amount</b> | <b>Gross Bid Amount</b> |
|---------------------------------------|-------------------------------|----------------------------|--------------------------|---------------------------|---------------------------------|-------------------------|-----------------------|-------------------------|
| <b>350 kHz Inland Non-Border VPCs</b> |                               |                            |                          |                           |                                 |                         |                       |                         |
| VPC014                                | Rapid City, SD-MT-NE-ND       |                            | 30                       | FCC999999                 | FCC                             | 12/3/98 9:00:00         | \$0                   | \$0                     |
| VPC015                                | North Platte, NE-CO           |                            | 30                       | FCC999999                 | FCC                             | 12/3/98 9:00:00         | \$0                   | \$0                     |
| VPC016                                | Western Oklahoma, OK          |                            | 16                       | FCC999999                 | FCC                             | 12/3/98 9:00:00         | \$0                   | \$0                     |
| VPC017                                | Abilene, TX                   |                            | 31                       | 0201309212                | SMR Systems, Inc.               | 12/10/98 15:30:31       | \$16,900              | \$26,000                |
| VPC018                                | San Angelo, TX                |                            | 16                       | FCC999999                 | FCC                             | 12/3/98 9:00:00         | \$0                   | \$0                     |
| VPC019                                | Odessa-Midland, TX            |                            | 16                       | FCC999999                 | FCC                             | 12/3/98 9:00:00         | \$0                   | \$0                     |
| VPC020                                | Hobbs, NM-TX                  |                            | 16                       | FCC999999                 | FCC                             | 12/3/98 9:00:00         | \$0                   | \$0                     |
| VPC021                                | Lubbock, TX                   |                            | 17                       | FCC999999                 | FCC                             | 12/3/98 9:00:00         | \$0                   | \$0                     |
| VPC022                                | Amarillo, TX-NM               |                            | 17                       | FCC999999                 | FCC                             | 12/3/98 9:00:00         | \$0                   | \$0                     |
| VPC023                                | Santa Fe, NM                  |                            | 13                       | FCC999999                 | FCC                             | 12/3/98 9:00:00         | \$0                   | \$0                     |
| VPC024                                | Pueblo, CO-NM                 |                            | 13                       | 0201116112                | DATA RADIO MANAGEMENT CO., INC. | 12/8/98 9:01:27         | \$14,950              | \$23,000                |
| VPC025                                | Denver-Boulder-Greeley, CO-KS |                            | 13                       | 0201116112                | DATA RADIO MANAGEMENT CO., INC. | 12/11/98 15:30:15       | \$193,050             | \$297,000               |
| VPC026                                | Scottsbluff, NE-WY            |                            | 16                       | FCC999999                 | FCC                             | 12/3/98 9:00:00         | \$0                   | \$0                     |
| VPC027                                | Casper, WY-ID-UT              |                            | 22                       | 0201721241                | Warren C. Havens                | 12/9/98 13:37:48        | \$19,500              | \$30,000                |
| VPC031                                | Idaho Falls, ID-WY            |                            | 17                       | 0201721241                | Warren C. Havens                | 12/8/98 15:24:48        | \$16,900              | \$26,000                |
| VPC032                                | Twin Falls, ID                |                            | 17                       | 0201721241                | Warren C. Havens                | 12/8/98 15:24:48        | \$16,900              | \$26,000                |
| VPC033                                | Boise City, ID-OR             |                            | 17                       | 0201721241                | Warren C. Havens                | 12/8/98 15:24:48        | \$16,900              | \$26,000                |
| VPC034                                | Reno, NV-CA                   |                            | 30                       | 0201721241                | Warren C. Havens                | 12/10/98 14:43:25       | \$20,800              | \$32,000                |
| VPC035                                | Salt Lake City-Ogden, UT-ID   |                            | 30                       | 0201721241                | Warren C. Havens                | 12/10/98 14:43:25       | \$77,350              | \$119,000               |
| VPC036                                | Las Vegas, NV-AZ-UT           |                            | 41                       | 0201116112                | DATA RADIO MANAGEMENT CO., INC. | 12/14/98 9:06:32        | \$39,650              | \$61,000                |
| VPC037                                | Flagstaff, AZ-UT              |                            | 41                       | 0201721241                | Warren C. Havens                | 12/14/98 9:13:55        | \$37,050              | \$57,000                |
| VPC038                                | Farmington, NM-CO             |                            | 13                       | FCC999999                 | FCC                             | 12/3/98 9:00:00         | \$0                   | \$0                     |

**VHF Public Coast Service Auction  
Round Results, High Bids  
Auction ID: 20**

**Attachment A**



Date of Report: 12/15/98 11:04 Eastern Time

| Market No                             | Freq Block          | License Description | Round of High Bid | FCC Account Number | Name             | Date/Time of Bid  | Net Bid Amount     | Gross Bid Amount   |
|---------------------------------------|---------------------|---------------------|-------------------|--------------------|------------------|-------------------|--------------------|--------------------|
| <b>350 kHz Inland Non-Border VPCs</b> |                     |                     |                   |                    |                  |                   |                    |                    |
| VPC039                                | Albuquerque, NM-AZ  |                     | 36                | 0201721241         | Warren C. Havens | 12/11/98 12:12:46 | \$18,850           | \$29,000           |
| VPC040                                | El Paso, TX-NM      |                     | 13                | FCC999999          | FCC              | 12/3/98 9:00:00   | \$0                | \$0                |
| VPC041                                | Phoenix-Mesa, AZ-NM |                     | 37                | 0201721241         | Warren C. Havens | 12/11/98 13:37:37 | \$86,450           | \$133,000          |
| VPC042                                | Tucson, AZ          |                     | 39                | 0201721241         | Warren C. Havens | 12/11/98 15:37:48 | \$40,300           | \$62,000           |
| <b>Subtotal</b>                       |                     |                     |                   |                    |                  |                   | <b>\$615,550</b>   | <b>\$947,000</b>   |
| <b>Grand Total</b>                    |                     |                     |                   |                    |                  |                   | <b>\$7,459,200</b> | <b>\$7,812,000</b> |

**FCC VHF Public Coast Station Auction  
Bidder Payment / Refund Report  
Auction ID:20**

**Attachment B**



Date of Report: 12/15/98 17:06:38

| Applicant Name             | FCC Account Number | Upfront Pmt Amt | Total Withdrawal | Upfront Pmt Amt Counted | Total Net High Bid | Initial Down Pmt | Amt Upfront Applied | Balance        |
|----------------------------|--------------------|-----------------|------------------|-------------------------|--------------------|------------------|---------------------|----------------|
| American Pacific Inc.      | 0200902412         | \$81,403.00     | \$0.00           | \$81,403.00             | \$0.00             | \$0.00           | \$0.00              | (\$81,403.00)  |
| DATA RADIO MANAGEMENT CO., | 0201116112         | \$52,877.00     | \$449.00*        | \$52,428.00             | \$247,650.00       | \$49,530.00      | \$49,530.00         | (\$2,898.00)   |
| RadioLink Corporation      | 0202020457         | \$11,209.00     | \$0.00           | \$11,209.00             | \$0.00             | \$0.00           | \$0.00              | (\$11,209.00)  |
| SCOTT COMMUNICATIONS, INC. | 0201718339         | \$8,748.00      | \$0.00           | \$8,748.00              | \$0.00             | \$0.00           | \$0.00              | (\$8,748.00)   |
| SHARRON L ROTH             | 0200849342         | \$2,500.00      | \$0.00           | \$2,500.00              | \$0.00             | \$0.00           | \$0.00              | (\$2,500.00)   |
| SMR Systems, Inc.          | 0201309212         | \$2,500.00      | \$0.00           | \$2,500.00              | \$16,900.00        | \$3,380.00       | \$2,500.00          | \$880.00       |
| Warren C. Havens           | 0201721241         | \$175,000.00    | \$8,203.00*      | \$166,797.00            | \$390,650.00       | \$78,130.00      | \$78,130.00         | (\$88,667.00)  |
| WJG MariTEL Corporation    | 0201052541         | \$174,864.00    | \$17,900.00*     | \$156,964.00            | \$6,804,000.00     | \$1,360,800.00   | \$156,964.00        | \$1,203,836.00 |

\* Includes 3% of net high bid amount for unknown withdrawal payments

# FCC VHF Public Coast Station Auction

## Withdrawal/Payment Report

### Auction ID: 20

Attachment C



Date of Report: 12/15/98 17:05 Eastern Time

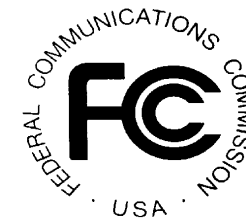
| Company/Applicant Name        | Mkt     | Blk | License Desc            | Withdrawn Bid Amt | Withdrawn Bid Net Amt | High Bid Amt | High Bid Net Amt | Withdrawal Payment |
|-------------------------------|---------|-----|-------------------------|-------------------|-----------------------|--------------|------------------|--------------------|
| 1 Warren C. Havens            | VPC004  |     | Mississippi River       | \$1,241,000       | \$806,650             | \$2,423,000  | \$2,423,000      | \$0                |
| 2 WJG MariTEL Corporation     | VPC010  |     | Grand Forks, ND-MN      | \$19,000          | \$19,000              | \$0          | \$0              | *\$570             |
| 3 Warren C. Havens            | VPC011  |     | Minot, ND               | \$16,000          | \$10,400              | \$0          | \$0              | *\$312             |
| 4 Warren C. Havens            | VPC012  |     | Bismarck, ND-MT-SD      | \$16,000          | \$10,400              | \$14,000     | \$9,100          | *\$312             |
| 5 Warren C. Havens            | VPC012  |     | Bismarck, ND-MT-SD      | \$14,000          | \$9,100               | \$0          | \$0              | \$0                |
| 6 Warren C. Havens            | VPC013  |     | Aberdeen, SD            | \$16,000          | \$10,400              | \$14,000     | \$9,100          | *\$312             |
| 7 Warren C. Havens            | VPC013  |     | Aberdeen, SD            | \$14,000          | \$9,100               | \$0          | \$0              | \$0                |
| 8 Warren C. Havens            | VPC014  |     | Rapid City, SD-MT-NE-ND | \$16,000          | \$10,400              | \$14,000     | \$9,100          | *\$312             |
| 9 Warren C. Havens            | VPC014  |     | Rapid City, SD-MT-NE-ND | \$14,000          | \$9,100               | \$0          | \$0              | \$0                |
| 10 WJG MariTEL Corporation    | VPC015  |     | North Platte, NE-CO     | \$14,000          | \$14,000              | \$12,000     | \$7,800          | *\$420             |
| 11 Warren C. Havens           | VPC015  |     | North Platte, NE-CO     | \$12,000          | \$7,800               | \$0          | \$0              | *\$234             |
| 12 Warren C. Havens           | VPC016  |     | Western Oklahoma, OK    | \$16,000          | \$10,400              | \$0          | \$0              | *\$312             |
| 13 Warren C. Havens           | VPC017  |     | Abilene, TX             | \$31,000          | \$20,150              | \$26,000     | \$16,900         | \$3,250            |
| 14 Warren C. Havens           | VPC018  |     | San Angelo, TX          | \$16,000          | \$10,400              | \$0          | \$0              | *\$312             |
| 15 Warren C. Havens           | VPC019  |     | Odessa-Midland, TX      | \$20,000          | \$13,000              | \$0          | \$0              | *\$390             |
| 16 WJG MariTEL Corporation    | VPC020  |     | Hobbs, NM-TX            | \$14,000          | \$14,000              | \$0          | \$0              | *\$420             |
| 17 WJG MariTEL Corporation    | VPC021  |     | Lubbock, TX             | \$16,000          | \$16,000              | \$0          | \$0              | *\$480             |
| 18 WJG MariTEL Corporation    | VPC022  |     | Amarillo, TX-NM         | \$16,000          | \$16,000              | \$0          | \$0              | *\$480             |
| 19 DATA RADIO MANAGEMENT CO., | IVPC023 |     | Santa Fe, NM            | \$23,000          | \$14,950              | \$0          | \$0              | *\$449             |
| 20 Warren C. Havens           | VPC026  |     | Scottsbluff, NE-WY      | \$26,000          | \$16,900              | \$0          | \$0              | *\$507             |
| 21 WJG MariTEL Corporation    | VPC028  |     | Billings, MT-WY         | \$23,000          | \$23,000              | \$19,000     | \$12,350         | \$4,000            |

# FCC VHF Public Coast Station Auction

## Withdrawal/Payment Report

### Auction ID: 20

Attachment C



Date of Report: 12/15/98 17:05 Eastern Time

| Company/Applicant Name     | Mkt    | Blk | License Desc       | Withdrawn Bid Amt | Withdrawn Bid Net Amt | High Bid Amt | High Bid Net Amt | Withdrawal Payment |
|----------------------------|--------|-----|--------------------|-------------------|-----------------------|--------------|------------------|--------------------|
| 22 Warren C. Havens        | VPC029 |     | Great Falls, MT    | \$26,000          | \$16,900              | \$23,000     | \$14,950         | \$1,950            |
| 23 WJG MariTEL Corporation | VPC030 |     | Missoula, MT       | \$23,000          | \$23,000              | \$19,000     | \$12,350         | \$4,000            |
| 24 WJG MariTEL Corporation | VPC038 |     | Farmington, NM-CO  | \$23,000          | \$23,000              | \$0          | \$0              | *\$690             |
| 25 WJG MariTEL Corporation | VPC039 |     | Albuquerque, NM-AZ | \$35,000          | \$35,000              | \$29,000     | \$18,850         | \$6,000            |
| 26 WJG MariTEL Corporation | VPC040 |     | El Paso, TX-NM     | \$28,000          | \$28,000              | \$0          | \$0              | *\$840             |

\* Please note that for a withdrawn bid against a license that remains unsold, the Commission will retain a 3% deposit calculated on the net bid withdrawn. In the case of a single bidder placing multiple withdrawals on a single license that remains unsold, the deposit will be based on the highest withdrawn net bid.

## Attachment D

### INSTRUCTIONS FOR COMPLETING FCC FORM 601

#### FCC Form 601: General Requirements

**In completing the FCC Form 601 either electronically or manually, applicants are strongly encouraged to use the format below in submitting the information required by our rules as exhibits. Following this format will help expedite the processing of the FCC Form 601 and minimize the need for requesting missing information.**

Applicants bear full responsibility for submission of timely and complete FCC Form 601 applications. Applicants should read the instructions on the FCC Form 601 carefully and should consult the rules to ensure that, aside from the materials described below, all the information that is required under our rules is included with their FCC Form 601 applications. **Incomplete or defective applications may be returned to the applicant.** See 47 C.F.R. § 1.918. Each applicant is responsible for the continuing accuracy and completeness of information furnished in a pending application. See 47 C.F.R. § 1.65.

An applicant that fails to submit the required FCC Form 601 application by **5:30 p.m. ET on Wednesday, December 31, 1998**, and fails to establish good cause for any late-filed submissions, shall be deemed to have defaulted and will be subject to the default payments set forth in 47 C.F.R. § 1.2104. See § 47 C.F.R. 1.2107(c).<sup>1</sup>

#### *Number of Forms To Be Filed*

Electronic or manual filers applying for multiple licenses are not required to submit a separate application for each market if **all** filing requirements associated with the application are identical **except** for the market designator and market name. Under these circumstances, applicants may submit *one* FCC Form 601 Main Form and Schedule B.

#### *Frivolous Pleadings*

Pursuant to 47 C.F.R. § 1.52, the Commission reminds parties to our proceedings and their attorneys that the Commission intends to fully use its authority to discourage and deter the filing of frivolous pleadings. See *Public Notice*, "Commission Taking Tough Measures Against Frivolous Pleadings," 11 FCC Rcd 3030 (1996).

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<sup>1</sup> See, e.g., In the Matter of Pinpoint Communications, Inc., File No. 0000000140, Application for Local Multipoint Distribution Service Licenses to Serve BTA 185, Hastings, Nebraska and BTA 270 McCook, Nebraska, *Order*, DA 98-1922 (rel. Sept. 22, 1998), *recon. pending*.

## Organization of Application

### *Main Form*

The FCC Form 601 Main Form should be completed in its entirety. Note the following:

- For Item 1 (Radio Service Code), enter **PC**.
- For Item 2 (Application Purpose), enter **NE** for New.
- For Item 3, enter **N** for Not Applicable.
- If you plan to file a request for a waiver or exception to the Commission's rules, enter **Y** in Item 8 and attach an exhibit that lists relevant rule section(s) and explains the circumstances.
- If the Real Party in Interest differs from the applicant, the **Taxpayer Identification Number** entered must be registered with the FCC before Form 601 is filed.

### *Schedule B*

On Schedule B, complete Items 1 and 2 for each market for which the applicant is filing. Note the following:

- Complete Item 1 (Market Designator) with the number of the market (*e.g.*, VPC001).
- For Item 2 (Market Name), enter the market name.
- For Item 3 (Channel Block), leave blank.

**Electronic filers** should note that the electronic filing software lists all market information for all markets that the applicant won in the auction. The applicant must select the markets it wants to include on the application.

### *Main Form-Related Exhibits*

Any exhibits to be attached to an application in response to a question on the FCC Form 601 Main Form or on Schedule B should be identified as specified in the instructions to the FCC Form 601. Please attach those exhibits immediately behind the FCC Form 601 and the Schedule B.



**Electronic filers** should use the Attachment screen provided within the electronic filing software to submit these exhibits as uploaded files and should select the appropriate attachment type. The electronic filing software will accept a variety of file formats including Word, Word Perfect, Excel, Lotus, and ASCII text. See online help for a full list of acceptable file formats.

***Rule-Related Exhibits***

Any exhibits to be attached to an application as a result of our rule requirements should follow any FCC Form 601 Main Form or Schedule B exhibits. Please order and identify these exhibits as follows:

| <u>Title</u> |                                | <u>Required From</u>         |
|--------------|--------------------------------|------------------------------|
| Exhibit A:   | Ownership                      | All Applicants               |
| Exhibit B:   | Foreign Ownership              | If Applicable                |
| Exhibit C:   | Designated Entities            | Designated Entity Applicants |
| Exhibit D:   | Agreements & Other Instruments | If Applicable                |
| Exhibit E:   | Confidentiality Requests       | If Applicable                |
| Exhibit F:   | Waiver Requests                | If Applicable                |

As specified in the instructions to the FCC Form 601, each page of each exhibit must be identified with the number or letter of the exhibit, the number of the page of the exhibit, and the total number of pages of the exhibit.

**Electronic filers** should use the Attachment screen to upload each exhibit file and select the appropriate attachment type. The recommended titles listed above should be entered in the File Description field on the Attachment screen. The electronic filing software will accept a variety of file formats including Word, Word Perfect, Excel, Lotus, and ASCII text. See online help for a full list of acceptable file formats.

**I. Applicant Identity and Ownership Information**

*Background*

Section 1.2112 of the Commission's rules requires each applicant to make full and complete disclosure with regard to the real party or parties in interest and as to all matters required to be disclosed by the application form.

Applicants should attach the information concerning the identity of the applicant (*i.e.*, real party- or parties-in-interest) and ownership interests held in the applicant and in investors in the applicant. Each application shall be clear and complete in itself without cross reference to information previously filed. Please clearly label additional pages to indicate the Exhibit and Item number to which those pages relate.

## **EXHIBIT A: OWNERSHIP**

### **Part 1: General Information**

First, attach and label as "**Exhibit A: Ownership**" a document that indicates the applicant's form of business organization. In addition,

If the applicant is a general partnership, provide the name, address, and citizenship of all partners, and the share or interest participation in the partnership.

If the applicant is a limited partnership, provide the name, address, and citizenship of each limited partner whose interest in the applicant is equal to or greater than ten percent (as calculated according to the percentage of equity paid in and the percentage of distribution of profits and losses).

If the applicant is a limited liability corporation, provide the name, address, and citizenship of each of its members.

### **Part 2: Direct Ownership**

Second, as part of "**Exhibit A: Ownership**" attach and label a document or series of documents that identifies all persons or entities that *directly* hold a ten percent or more interest in the applicant, including interest holders already identified in Part 1 of Exhibit A. For each ten percent interest holder listed, applicants should provide the following information:

*Item (1) Name and address:* Identify the name and address of the interest holder. If the interest holder is an individual, provide the name and address of that person, and indicate whether the interest holder is a partner, officer, director, or key manager (*e.g.*, CEO, General Manager) of the applicant. If the interest holder is a corporation, provide the name and address of the corporate office and the name and title of an officer, director or authorized contact. If the interest holder is a partnership, provide the name and address of all partners, and the name, title and address of an authorized contact for the partnership. If the interest holder is a limited liability corporation, provide the name and address of each of its members. If the interest holder is a trust, provide the name and address of the trustee.

*Item (2) Principal Business:* Describe the interest holder's principal business and its relationship to the applicant.

*Item (3) Relationship to Other Interest Holder:* Indicate whether the interest holder is related to any other ten percent or greater interest holder by blood or marriage, and provide the name of the related interest holder.

*Item (4) Amount Held:* Specify the amount held (*e.g.*, number of shares of stock and percentage

of total ownership) for each type of interest specified.

*Item (5) Type of Interest Held:* Indicate whether the interest held is in the form of stocks, bonds, warrants, debt instruments, partnership, etc. If interests are held in stock, specify the class of stock and any voting rights associated with the stock. If the interests are held in a partnership, indicate whether the interests are limited or general partnership interests.

*Item (6) Interests Held on Behalf of Others:* If an interest is held in trust, or on behalf of another person or entity, identify the party for whom the interest is held.

### **Part 3: Indirect Ownership**

Third, as part of "**Exhibit A: Ownership**" attach and label a document or series of documents that identifies all persons or entities that **indirectly** hold a ten percent or more interest in the applicant, as determined by successive multiplication of the ownership percentages in each link in the vertical ownership chain, except that if the ownership percentage for any link exceeds fifty percent or represents actual control, it shall be reported as if it were a one hundred percent interest. For each person or entity listed, provide the same information listed in *Items (1)-(6)* above as is requested for *direct* interests.

### **Part 4: Other Disclosable Interests and Entities**

Fourth, as part of "**Exhibit A: Ownership**" attach and label a document or series of documents that identifies all persons or entities required to be disclosed pursuant to 47 C.F.R. § 1.2112(a)(1) and (3). For each FCC-regulated business, include a description of its principal business and its relationship to applicant.

To comply with 47 C.F.R. § 1.2112(a)(5), an applicant must list the names, addresses, and citizenship of all persons or entities meeting the definition of "affiliate" as defined in 47 C.F.R. § 1.2110(b)(4). To the extent that such entities are not included in Parts 1 through 3 of Exhibit A, they should be identified and included in Part 4.

**Electronic filers** should select Attachment Type 'Ownership' and enter "Exhibit A: Ownership" in the File Description field on the Attachment screen.

### **EXHIBIT B: FOREIGN OWNERSHIP**

If the applicant has responded "yes" to either Question 41, 42, 43, 44, or 45 on the FCC Form 601, attach and label as "**Exhibit B: Foreign Ownership**" a document that explains the circumstances regarding foreign ownership in the applicant. For every direct or indirect foreign owner, applicants should provide the following information:

*Item (1) Percentage of Interest:* Identify each foreign owner's percentage of ownership in the

applicant.

*Item (2) Country of Origin and Address:* List each foreign owner's country of origin and principal place of business.

*Item (3) Public Interest Statement:* Demonstrate how allowing the applicant to hold the requested license is consistent with the Commission's policies pursuant to section 310(b)(4) of the Communications Act of 1934. In general, the Commission has indicated that there is a strong presumption that indirect foreign ownership of common carrier radio licensees by entities whose home markets are in countries that are members of the World Trade Organization (WTO) serves the public interest. If more than twenty-five percent of the ownership of an entity that controls a common carrier radio licensee is attributable to parties whose home markets are in non-WTO member countries, the Commission will evaluate whether those markets offer effective competitive opportunities to U.S. investors in the same service sector. *See* Rules and Policies on Foreign Participation in the U.S. Telecommunications Market, IB Docket No. 97-142, Report and Order and Order on Reconsideration, 12 FCC Rcd. 23,891, 23,935-42, 23,946, ¶¶ 97-118, 131 (1997).

Note: There is no need to include an Exhibit B stating that the applicant responded "no" to Questions 41 through 45.

**Electronic filers** should select Attachment Type 'Ownership' and enter "Exhibit B: Foreign Ownership" in the File Description field on the Attachment screen.

## **EXHIBIT C: DESIGNATED ENTITIES**

Pursuant to 47 C.F.R. § 80.1252, small businesses and very small businesses are eligible for bidding credits of twenty-five percent and thirty-five percent, respectively, to lower the cost of their winning bids. Small businesses and very small businesses are defined in 47 C.F.R. § 80.1252(b). Applicants that are not claiming eligibility for bidding credits do not need to submit Exhibit C. We nonetheless note that we are interested in the status of applicants as minority-owned or women-owned businesses for statistical purposes.

If applying for a bidding credit, attach and label as "**Exhibit C: Designated Entities**" a document or series of documents that identifies, separately and in the aggregate for the applicant and each affiliate, the gross revenues for the most recently completed three calendar or fiscal years preceding the filing of the applicant's FCC Form 175 based on audited financial statements. If the applicant does not have audited financial statements to document the gross revenues figures provided, it must provide a certification from its chief financial officer that the gross revenue figures indicated in its FCC Forms 175 and 601 applications are true, full, and accurate, and that the applicant does not have the audited financial statements that are otherwise required under our rules. *See* 47 C.F.R. § 1.2110(m). Identify the applicant's claimed eligibility status and provide the requisite information demonstrating such status as indicated in the following instructions:

## **Small Businesses**

Applicants claiming status as a small business must compute gross revenues in accordance with 47 C.F.R. §§ 1.2110 and 80.1252 to demonstrate such status under our rules. A small business is an entity that, together with its affiliates and controlling interests, has average annual gross revenues that are not more than **\$15 million** for the preceding three years. Gross revenues for each year for the applicant and each of its affiliates and controlling interests (and, if a consortium of small businesses, the members of the joint venture) should be separately identified and followed by the computed average total gross revenues for each over those years and the combined average gross revenues of the applicant, its affiliates and controlling interests over those years. For purposes of determining whether an entity meets the definition, the gross revenues of the entity, its affiliates, and controlling interests shall be considered on a cumulative basis and aggregated. 47 C.F.R. § 80.1252(b)(3). The status of the applicant as a minority-owned or women-owned business also is requested, but for statistical purposes only.

## **Very Small Businesses**

Applicants claiming status as a very small business must compute gross revenues in accordance with 47 C.F.R. §§ 1.2110 and 80.1252 to demonstrate such status under our rules. A very small business is an entity that, together with its affiliates and controlling interests, has average gross revenues that are not more than **\$3 million** for the preceding three years. Gross revenues for each year for the applicant and each of its affiliates and controlling interests (and, if a consortium of very small businesses, the members of the joint venture) should be separately identified and followed by the computed average total gross revenues for each over those years and the combined average gross revenues of the applicant, its affiliates and controlling interests over those years. For purposes of determining whether an entity meets the definition, the gross revenues of the entity, its affiliates, and controlling interests shall be considered on a cumulative basis and aggregated. 47 C.F.R. § 80.1252(b)(3). The status of the applicant as a minority-owned or women-owned business also is requested, but for statistical purposes only.

## **Small Business & Very Small Business Consortia**

Applicants that applied as a **small business consortia** or **very small business consortia** as defined in 47 C.F.R. § 80.1252(b)(5) must compute and indicate gross revenues as outlined above for **each** small or very small business in the consortium. That is, each business entity comprising the small or very small business consortia must qualify and show gross revenues separately. The gross revenues of each small or very small business shall not be aggregated. *See* 47 C.F.R. § 80.1252(b)(5).

**Electronic filers** should select Attachment Type 'Ownership' and enter "Exhibit C: Designated Entities" in the File Description field on the Attachment screen.

## **II. Information Not Related to Identity or Ownership**

The following exhibits provide places for the applicant to give the Commission information not related to the disclosure of the identity of the real party or parties in interest submitting an application or applications.

#### **EXHIBIT D: AGREEMENTS & OTHER INSTRUMENTS**

Applicants should attach and label as "**Exhibit D: Agreements and Other Instruments**" a detailed explanation of the terms and conditions and parties involved in any bidding consortia, joint ventures, partnerships or other agreements or arrangements into which the applicant has entered relating to the competitive bidding process prior to the time the bidding was completed. *See* 47 C.F.R. 1.2107(d).

Applicants qualifying as a small business or very small business must list and summarize all agreements and other instruments (with appropriate references to specific provisions in the text of such agreements and instruments) that support the applicant's eligibility as a small business or very small business under Sections 1.2110 and 80.1252 of the Commission's rules, including the establishment of *de facto* and *de jure* control. 47 C.F.R. § 1.2112(b)(2). Such agreements and instruments include, but are not limited to, articles of incorporation and bylaws, shareholder agreements, voting or other trust agreements, franchise agreements, and any other relevant agreements including letters of intent, oral or written. These applicants must also list and summarize any investor protection agreements, including rights of first refusal, supermajority clauses, options, veto rights, and rights to hire and fire employees and to appoint members to boards of directors or management committees. 47 C.F.R. § 1.2112(b)(3). Finally, designated entities must describe on their long-form applications how they satisfy the requirements for eligibility for designated entity status, and must list and summarize all agreements that affect designated entity status, such as partnership agreements, shareholder agreements, management agreements, and other agreements, including oral agreements, which establish that the designated entity will have both *de facto* and *de jure* control of the entity. Such information must be maintained at the licensee's facilities or by their designated agents for the term of the license in order to enable the Commission to audit designated entity eligibility on an ongoing basis. *See* 47 C.F.R. 1.2110(i).

To comply with these requirements, applicants may either submit the agreements themselves or submit a detailed description of those agreements with proprietary information excluded. If applicants choose to submit the agreements, they can redact proprietary information or can seek confidentiality for those documents pursuant to Section 0.459 of the Commission's rules, 47 C.F.R. § 0.459 (*see* discussion of confidentiality requests under "**Confidentiality Requests**" below).

**Electronic filers** should select Attachment Type 'Other' and enter "Exhibit D: Agreements & Other Instruments" in the File Description field on the Attachment screen.

## **EXHIBIT E: CONFIDENTIALITY REQUESTS**

Applicants should be aware that all information required by the Commission's rules in connection with applications to participate in spectrum auctions is necessary to determine the applicants' qualifications and, as such, will be available for public inspection. Required proprietary information may be redacted, and confidentiality may be sought pursuant to 47 C.F.R. § 0.459. Applicants requesting confidential treatment for any information required as a condition to participate in the auction must follow the procedures set out in 47 C.F.R. § 0.459. (Applicants submitting confidentiality requests should be aware that 47 C.F.R. § 0.459 was recently amended to set out more clearly what should be contained in a request that information not be routinely available for public disclosure. *See Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission, Report and Order, GC Docket No. 96-55, FCC 98-184 (rel. Aug. 4, 1998).*)

If an applicant has sought confidential treatment of any information, it should attach and label as "**Exhibit E: Confidentiality Requests**" a statement which references the request. Because the required information bears on an applicant's qualifications, the Commission envisions that confidentiality requests will not be routinely granted.

Note: There is no need to include an Exhibit E stating there is no confidentiality request.

**Electronic filers** should select Attachment Type 'Confidentiality' and enter "Exhibit E: Confidentiality Requests" in the File Description field on the Attachment screen.

### ***Important:***

**All attachments will be available for public inspection unless the applicant has requested confidential treatment for each applicable attachment. Manual filers must clearly label each separate attachment for which they request confidential treatment in addition to providing Exhibit E. Electronic filers must select Attachment Type 'Confidentiality' for each attachment for which they request confidential treatment in addition to providing Exhibit E.**

## **EXHIBIT F: WAIVER REQUESTS**

In the event a winning bidder wishes to file a request for waiver, all such requests should be filed with the corresponding application as "**Exhibit F: Waiver Requests.**" Waiver requests filed after the submission of the FCC Form 601 may result in a delay of the processing of the application. If a request for waiver is filed separately from the FCC Form 601, such request must reference the corresponding application.

Note: There is no need to include an Exhibit F stating there are no waiver requests.

**Electronic filers** should select Attachment Type 'Waiver' and enter "Exhibit F: Waiver Requests" in the File Description field on the Attachment screen.



## Attachment E

### INSTRUCTIONS FOR USING ULS TO REGISTER TIN AND CALL SIGNS WITH FCC AND FILE FCC FORM 601 ELECTRONICALLY

Following are instructions for using the Universal Licensing System (ULS) to electronically register a Taxpayer Identification Number (TIN) and call signs with the FCC and electronically file FCC Form 601. To perform either of these procedures, you must first connect to the FCC Network as follows:

- Attachment F describes how Windows 95/98 users can connect to the FCC Network using the Dial-Up Networking features of Windows 95/98.

We recommend that you use Netscape Communicator 4.5. However, you can also use Netscape Communicator 4.06, 4.07, or 4.05 with JDK 1.1 (Internet web browser software) to use ULS to electronically register and file FCC Form 601.

**Note:** To download Netscape Communicator 4.5 (recommended) free of charge, access the Netscape download site at <http://home.netscape.com/download/>.

### Conventions

The instructions in this attachment use the following typographical conventions:

- bold** Represents objects on the screen that you click with the mouse pointer, including buttons, Internet links, icons, tabs, menu items (e.g., **Cancel** button, **Auctions** link, **Save** option in the File menu).
- italic* Represents field names or areas of a screen (e.g., *Licensee Name* field, *Applicant Information* area of a screen).
- bold italic*** Represents characters that you must type exactly as they appear in the instructions. For example, if you are instructed to type ***http://www.fcc.gov***, you should type all of the characters shown in bold italic exactly as they are printed.
- SMALL CAPS Represents keys on the keyboard (e.g., ENTER, CTRL, ESC).

## Registering TIN and Call Signs with the FCC Electronically

Before filing FCC Form 601 electronically, the applicant's Taxpayer Identification Number (TIN) and call signs must be registered with the FCC's Universal Licensing System (ULS). If you have already registered your TIN and call signs with the ULS, proceed to the "Filing FCC Form 601 Electronically" instructions.

To register a TIN and its associated call signs, do the following:

1. Connect to the FCC Network using one of the following options:

*Note: If your PC is connected to a network, you must use a secure proxy to access the FCC Network. Consult your Network Administrator.*

### Dial-Up Access

- a. Use Dial-Up Networking in Windows 95/98 to connect to the FCC Network (see Attachment F).
- b. Start your web browser. In the location field of the web browser screen, type ***http://wtbwww05.fcc.gov***. Then press the ENTER key.

### Internet Access

- a. Start your web browser and connect to the Internet using your Internet Service Provider.
  - b. In the location field of the web browser screen, type ***http://www.fcc.gov/wtb/uls***. Then press the ENTER key.
2. Verify that Java and JavaScript are enabled in your web browser preferences. Additionally, the preferences must specify "Accept all cookies." Refer to your web browser Help facility for more information.
  3. Once you have accessed the Universal Licensing System home page, click the **ULS Call Sign Registration** button.
  4. On the ULS TIN/Call Sign Registration screen, click **Register Now** to select it, then click the **Continue** button.

5. On the next screen, identify whether you are registering as a business entity (e.g., corporation, partnership, government entity, etc.) or an individual. Click the desired option to select it, then click the **Continue** button to access the registration form.

***Note:** The TIN provided must be that of the licensee and not of an agent or representative of the licensee (e.g., law firm or consultant).*

6. Complete the registration form. Click the **Help** button at anytime for additional information on completing the online registration form.
7. Specify the password and personal or corporate identifier that you will use in conjunction with your TIN. In the *New Password* field, enter a password of at least 5 characters.

Basic guidelines for selecting your password:

- Specify a password that you will be able to remember easily. For security purposes, avoid selecting an obvious password that someone else could easily guess, such as spouse's name, child's name, etc.
  - Your password must be at least 5 characters but no more than 30 characters.
  - You may use letters, numbers, or symbols in your password.
  - Write down your password and keep it in a secure place.
  - Note that your password is case sensitive. For example, if you specify "station" (lowercase) as your password, you must always enter "station" in lowercase during ULS login. "Station" or "STATION" will not be accepted.
8. Re-enter your password in the *Verify Password* field. This entry must be an exact replication of the password entered in the *New Password* field.
  9. In the *Personal Identifier* or *Corporate Identifier* field, enter a word (of your choice) to serve as your personal identifier (if individual) or corporate identifier (if business entity).

**Note:** For security purposes, you will be required to correctly enter your TIN and password prior to accessing the ULS for filing applications online or updating your registration information. *If you forget your password, contact FCC Technical Support at (202) 414-1250 (voice) or (202) 414-1255 (TTY).*

10. When you have completed the registration form, click the **Submit** button.

If you have entered any incomplete or erroneous information, an Errors screen lists the errors. Click **Return**, make your corrections, then click **Submit** again. Note that an application cannot be submitted until all errors have been corrected.

11. A screen appears requesting you to identify the call signs (if any) to be associated with your TIN. Even though you already have FCC licenses, you must identify to the ULS the call signs that are to be associated with your TIN.

If you do not have any call signs to register, click the **Submit** button and proceed to step 14.

12. Follow the instructions on the screen to select a call sign entry method. Note: You must use the **Upload Call Signs** option if you have *more than 100 call signs*.

*Click the **Help** button for additional call sign entry instructions.*

13. After entering your call signs, click the **Submit** button.
14. When your registration has been successfully submitted to the FCC, a confirmation message screen appears. This screen shows the TIN, password, and personal or corporate identifier that you just registered.

**Important:** Your registration has not been successfully submitted to the ULS unless this confirmation screen appears.

15. From the confirmation screen, click the **Home** button to return to the ULS home page.

**Note:** *If the applicant is owned by a Real Party in Interest, the TIN of that entity must also have been registered with the FCC.*

### **Filing FCC Form 601 Electronically**

After the applicant's TIN is registered with the FCC, the FCC Form 601 can be filed electronically. Do the following:

1. Connect to the FCC Network using Dial-Up Networking in Windows 95/98 (see Attachment F).
2. Start your web browser. In the location field of the web browser screen, type ***http://wtbwww05.fcc.gov***. Then press the ENTER key. This will access the Universal Licensing System home page.

3. Click the **Online Filing** button.
4. On the ULS Online Filing screen, click **Log into ULS Online Filing System** to select it, then click the **Continue** button.
5. On the login screen, type your Taxpayer Identification Number (TIN) in the login field.
6. In the *Password* field, type the password you selected during TIN registration.

This field is case sensitive; be sure to type the password exactly as you specified it when you registered with the FCC. For example, if you registered with the password **PASSWD**, do not type *passwd*.

7. Click the **Continue** button.

If you entered an incorrect TIN and/or password, an error message appears. You must then type the correct information and click **Continue** again. (If you have not yet registered your TIN with the FCC, you must do so before filing.)

8. After you have entered your TIN and password correctly, one of the following screens appears:
  - If you have completed applications filed this business day or existing incomplete applications, an intermediate screen appears listing these applications. You may finish an incomplete application or modify a completed application by clicking on it. Once the application is opened, follow the basic guidelines for filing provided below. To create a new application to submit, click the **Select New Filing**.
  - If you do not have existing incomplete applications or completed applications filed this business day, a screen appears requesting you to select an application purpose.
9. Click the down-arrow button at the end of the *Purpose of Application* field to obtain the drop-down menu, and click on the purpose of filing (e.g., New, Renewal Only, Modification, etc.)
10. Click the **Continue** button. The ULS screens will step you through the filing process specific to your purpose of application. Basic guidelines for filing each form are provided below.

*Click the ? (Help) button at any time for specific filing instructions for each application purpose.*

Basic Guidelines for Filing Form 601 Online:

- Some of the data entry fields on the online application form may be pre-filled with information from the TIN registration process.
  - The online application consists of data entry fields as well as "yes or no" questions. You must respond to all of the "yes or no" questions on the application. If you respond Yes to a question, you may be required to file an attachment explaining the specific circumstances (see form for specific instructions).
  - An **Attachments** button is provided for uploading attachment files. You are responsible for filing all required attachments.
  - If you have entered any incomplete or erroneous information, an Errors screen lists the errors. Click **Return**, make your corrections, then click **Continue** again. You can **Save** your application and complete it at a later date, if necessary. Saved applications must be completed within 30 days.
  - Prior to submitting an application, you may click the **Print Preview** button (where available) to create a preview of your completed application.
11. When your application has been successfully submitted to the FCC, a confirmation message screen appears. This screens shows a file number for the application.
- Important:** Your application has not been successfully submitted to the FCC unless you have received a file number assigned by the Universal Licensing System.
12. To print a copy of the submitted application:
- a. Click the **Print Preview** button to see the formatted version of the application.  
  
Note that the file number is at the top of the form. If there is no file number present, this application has not been successfully submitted to the FCC.
  - b. Print the application by clicking your browser's **Print** button.
  - c. To return to the confirmation screen, click your browser's **Back** button.
13. From the confirmation screen, you can click the **Home** button to return to the ULS home page or the **Online Filing Menu** button if you wish to submit another application.

**Changing an Application**

Once you have submitted an application to the FCC, but the FCC has not yet granted your requested licenses, you can still make changes to that application. Use the Universal Licensing System (ULS) to change a pending application before or after the FCC Form 601 filing deadline, as follows:

- To make changes to a pending application at any time **before** the 5:30 P.M. ET filing deadline on **Wednesday, December 31, 1998**, perform the preceding Steps 1 through 8. When the screen listing pending applications appears, find the entry for the application you want and click that entry. The pending application appears, and you can change it and then submit the updated version.
- To make changes to a pending application **after** the 5:30 P.M. ET filing deadline on **Wednesday, December 31, 1998**, perform the preceding Steps 1 through 8. When the Purpose of Application screen appears, obtain the drop-down menu and select **Amendment**, then click the **Continue** button. On the next screen, obtain the drop-down menu on the *File Number* box, select the file number for the application you want to amend, and then click the **Continue** button. The pending application appears, and you can change it and then submit the amended version. **Important:** FCC rules contain limitations on filing of major amendments after the **December 31, 1998** deadline that may affect the applicant's legal rights. Acceptance of an amendment by the ULS does not indicate that the amendment is allowed under the rules. Applicants are advised to consult FCC rules in this regard prior to filing an amendment. Once the FCC has granted a request for a license, you can change that license by requesting a modification. To begin, perform the preceding Steps 1 through 8. When the Purpose of Application screen appears, obtain the drop-down menu and select **Modification**, then click the **Continue** button.

### **Technical Support**

For technical assistance in registering or filing FCC Form 601 electronically, contact the FCC Technical Support Hotline at (202) 414-1250 (voice), (202) 414-1255 (TTY). The FCC Technical Support Hotline generally will be available Monday through Friday, from 8 a.m. to 6 p.m. ET. *All calls to the FCC Technical Support Hotline are recorded.*

## Attachment F

### ACCESSING THE FCC NETWORK USING WINDOWS 95/98

This attachment describes how to access the FCC Network from a system that is running the Microsoft Windows 95 or Microsoft Windows 98 operating system. This involves configuring dial-up network access and then performing the dial-up procedure.

#### Conventions

The instructions in this section use the following typographical conventions:

**bold** Represents objects on the screen that you click with the mouse pointer, including buttons, Internet links, icons, tabs, menu items (e.g., **Cancel** button, **Auctions** link, **Save** option in the File menu).

*italic* Represents field names or areas of a screen (e.g., *Applicant* field, *Selected Licenses* area of a screen).

***bold italic*** Represents characters that you must type exactly as they appear in the instructions. For example, if you are instructed to type ***http://wtbwww05.fcc.gov***, you should type all of the characters shown in bold italic exactly as they are printed.

SMALL CAPS Represents keys on the keyboard (e.g., ENTER, CTRL, ESC).

**Note:** Throughout these instructions, “enter” means to type the appropriate information and then press the ENTER key.

#### Hardware and Software Requirements

To connect to the FCC Network using Windows 95/98 Dial-Up Networking requires *at a minimum* the following hardware and software:

##### **Hardware Requirements**

- CPU: Pentium or above
- RAM: 16 MB (more recommended)
- Monitor: VGA or above
- Modem: 14.4 kbps, Hayes-compatible or faster (recommended)



- Mouse or other pointing device

## **Software Requirements**

- Netscape Communicator 4.5(recommended), however, you can also use Netscape Communicator 4.06, 4.07 or 4.05 with JDK 1.1 (Internet web browser software)<sup>1</sup>
- Microsoft Windows 95/98

**Note:** If you are running Windows in a networked environment, check with your local network administrator for any potential conflicts with the Windows 95/98 Dial-Up Networking. This usually includes any TCP/IP installed network protocol.

The Windows 95/98 Dial-Up Networking will establish a direct connection from your PC to the FCC Network. *This point-to-point connection is not routed through the Internet.*

## **Configuring Dial-Up Networking**

1. To start dial-up networking:
  - a. Click the Windows 95/98 **Start** button.
  - b. Click the **Programs** option to display the Programs menu.
  - c. Click the **Accessories** option to display the Accessories menu.
  - d. In Windows 95, click **Dial-Up Networking**.  
In Windows 98, click **Communications**, then **Dial-Up Networking**.

If Dial-Up Networking is not an option on your Accessories menu, you should install it from your Windows 95/98 CD or diskettes.

2. When the Dial-Up Networking window appears, double-click the **Make New Connection** icon.
3. The Make New Connection window appears. In the field entitled *Type a name for the computer you are dialing*, type **ULS at FCC**.
4. In Windows 95, click the down arrow at the right of the *Select a modem* field and select your modem from the menu of available modems.

In Windows 98, click the down arrow at the right of the *Select a device* field and select your modem from the menu of available devices.

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<sup>1</sup> Note: To download Netscape Communicator 4.5 (recommended) free of charge, access the Netscape download site at <http://home.netscape.com/download/>.

If your modem does not appear on this list, you must install your modem driver according to the modem manufacturer installation procedures, which are usually described in your modem's user manual.

5. Click the **Configure** button. Click the **Options** tab at the top of the Properties window.
6. In the *Connection control* area of the **Options** tab, verify that *neither* option is selected. If either option is selected, click the check box at the left of the option to deselect it. Then click the **OK** button.
7. Click the **Next** button.
8. Type **800** in the *Area Code* field and **844-2784** in the *Telephone Number* field. Verify that the correct country is selected in the *Country code* field. If necessary, click the down arrow at the right of the *Country code* field and select the appropriate country from the menu of available countries.
9. Click the **Next** button.
10. Click the **Finish** button. An icon titled **ULS at FCC** appears in the Dial-Up Networking window.
11. Verify that properties are configured correctly before attempting a dial-up session. Position the mouse pointer on the **ULS at FCC** icon and click the *right* mouse button to display a menu. Select **Properties** from the menu.
12. Click the **Server Types** tab at the top of the Properties window.
13. In the *Advanced Options* area, verify that only *Enable software compression* is selected. If it is not selected, click the check box at the left of the option to select it. If either of the other options is selected, click the check box to deselect it.
14. In the *Allowed Network Protocols* area, verify that only *TCP/IP* is selected.  
  
If it is not selected, click the check box at the left of the option to select it. If either of the other options is selected, click the check box to deselect it.
15. Click the **TCP/IP Settings** button and select *Specify name server addresses*.
16. Type **192.104.54.1** as the Primary DNS.
17. Click **OK** on the TCP/IP Settings window and the Server Type window.

18.
  - a. Click the Windows 95/98 *Start* button, then click the *Settings* option to display the Settings menu.
  - b. Click *Control Panel* and then double-click the *Network* icon.
  - c. Highlight the TCP/IP Protocol and click *Properties*. If there are multiple TCP/IP protocols, highlight TCP/IP --> Dial-Up Adapter and click *Properties*.
  - d. Click the *DNS Configuration* tab.
  - e. Select *Enable DNS*. Type **bidder** in the *Host* box, type **fcc.gov** in the *Domain* box, then type **192.104.54.1** in the DNS Server Search Order box and click the *Add* button.
  - f. Click *OK* on the TCP/IP Properties windows, then click *OK* on the Network window.
  - g. If you are prompted to restart your computer, click *Yes* to restart, then begin the Dial-Up Procedure.

### Dial-Up Procedure

1. If the Dial-Up Networking window is not currently open, do the following:
  - a. Click the Windows 95/98 **Start** button.
  - b. Click the **Programs** option to display the Programs menu.
  - c. Click the **Accessories** option to display the Accessories menu.
  - d. In Windows 95, click **Dial-Up Networking**  
In Windows 98, click **Communications**, then **Dial-Up Networking**.

The Dial-Up Networking window appears.

2. Double-click the **ULS at FCC** icon in the Dial-Up Networking window.
3. Click the **Connect** button on the window. *Do not enter User name and Password.*

The Connecting window appears, indicating the status of your connection as your modem dials into the system. This window must remain running during your dial-up session. You may minimize the window, if you wish.

If your modem fails to establish a connection, please see the *Troubleshooting* section below.

4. Once the connection is established, open your Web browser.

5. In your browser's location field, enter *http://wtbwww05.fcc.gov*.

If nothing appears in your Web browser, please see the *Troubleshooting* section below.

6. When you have finished, exit the Web browser, then click the **Disconnect** button on the Connecting window to end your dial-up session.

### **Troubleshooting**

Following are problems you may encounter and possible solutions for resolving or isolating them.

#### ***Modem does not respond***

1. Confirm that all physical connections for the modem are present.
2. Confirm that the phone line is active by connecting it to a telephone and checking for a dial-tone.
3. Confirm that the correct modem driver is installed for your modem.

#### ***Modem dials but does not connect***

1. Confirm that the number the modem is dialing is correct.
2. Confirm that the modem prefix, if any, is correct.

#### ***Modem dials and connects, but nothing appears when you enter the location in the Web browser***

1. Check the settings in your dial-up networking icon, particularly that the *Primary DNS* is **192.104.54.1** and that *TCP/IP* is the only selected protocol.
2. Confirm that your web browser is using no proxies.
3. If you do log into a TCP/IP LAN, confirm that your LAN network IP address is being released. To do so, connect to the FCC Network using dial-up networking, then click the **Start** button in Windows 95/98 and select **Run**. Type *winipcfg* and press **OK**. If your IP address does not begin with "192.104.", then your LAN IP address is not being released. Click the **Release All** button, or consult you LAN administrator.

***Receive an Internal Server error in the Web browser***

1. Confirm that the address entered in the location field is correct (***http://wtbwww05.fcc.gov***).
2. Confirm that *JavaScript* is enabled in your Web browser.

**Technical Support**

For technical assistance with installing or using FCC software, contact the FCC Technical Support Hotline at (202) 414-1250 (voice) or (202) 414-1255 (TTY). The FCC Technical Support Hotline is generally available Monday through Friday, from 8 a.m. to 6 p.m. ET. *All calls to the FCC Technical Support Hotline are recorded.*