Before the FEDERAL COMMUNICATIONS COMMISSION Washington, DC 20554

Auction of Licenses in the 698-746 MHz Band Scheduled for June 19, 2002 (Auction No. 44))

In the Matter of:

) DA 02-200 Report No. AUC-02-44-A

To: Chief, Wireless Telecommunications Bureau

REPLY COMMENTS

1. Norwell Television, LLC, the licensee of WWDP(TV), Norwell, Massachusetts, hereby submits its reply comments in the above-referenced proceeding.¹

2. Under no circumstances should the Commission delay the auctions for the Lower 700 MHz Band (698-746 MHz) or the Upper 700 MHz Band (747-762 and 777-792 MHz), both of which are scheduled for June 19, 2002.² Simply put, changing the dates of scheduled auctions creates costly hardships for potential bidders and strains the credibility of the Commission's auction process.³

3. Potential bidders expend untold amounts of time and money preparing for auctions, by creating business plans and developing technologies to maximize potential spectrum acquisitions, obtaining financing to implement the business

¹ See Auction of Licenses in the 698-746 MHz Band Scheduled for June 19, 2002; Comment Sought on Reserve Prices or Minimum Opening Bids and Other Auction Procedural Issues, *Public Notice*, Report No. AUC-02-44-A (Auction No. 44), DA 02-200, released January 24, 2002.

² See note 1, supra; see, also, Auction for Licenses in the 747-762 and 777-792 MHz Bands (Auction No. 31) Scheduled for June 19, 2002, *Public Notice*, Report Auction No. AUC-01-31-D, DA 01-2394, released October 15, 2001.

³ While the scheduled auction date for the Lower 700 MHz Band is new, that auction date should not be rescheduled, something that already has occurred with the Upper 700 MHz Band auction.

plans and research and develop technologies, participating in the regulatory processes used to devise auction rules and procedures, training personnel on how to comply with those rules and procedures, and otherwise preparing for the commencement of an auction. Each time the Commission delays an auction, the momentum for the auction is drained from potential bidders, while the bidders' frustration level with the FCC increases. In all fairness, the Commission should better appreciate the real world consequences auction postponements have on businesses trying to acquire and utilize the spectrum the Commission regulates.

4. The Commission already has postponed the Upper 700 MHz band auction (Auction No. 31) five times. To once again delay Auction No. 31 or to delay the Lower 700 MHz band auction (Auction No. 44) harms everyone involved in the auction process. The Commission must assure potential bidders that it says what it means and stand by its own auction dates.

Respectfully submitted,

NORWELL TELEVISION, LLC

By: <u>/s/ Kevin M. Walsh</u> Alan C. Campbell Kevin M. Walsh

Its Attorneys

Irwin, Campbell & Tannenwald, P.C. 1730 Rhode Island Avenue, NW, Suite 200 Washington, DC 20036 (202) 728-0400

February 13, 2002 kmw/32140p.025.wpd