



# PUBLIC NOTICE

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DA 00-504  
March 3, 2000

## C AND F BLOCK BROADBAND PCS SPECTRUM AUCTION SCHEDULED FOR JULY 26, 2000

### COMMENT SOUGHT ON RESERVE PRICES OR MINIMUM OPENING BIDS AND OTHER AUCTION PROCEDURAL ISSUES

#### Report No. AUC-00-35-A (Auction No. 35)

By this Public Notice, the Wireless Telecommunications Bureau (“Bureau”) seeks comment on reserve prices or minimum opening bids and other auction procedural issues for the auction of C and F block broadband Personal Communications Service (“PCS”) licenses scheduled to commence on July 26, 2000 (Auction No. 35).<sup>1</sup> Auction No. 35 will include licenses for operation on frequencies as to which previous licenses have cancelled or otherwise have been returned to the Commission. A list of licenses available for auction is included in Attachment A. In addition, future public notices will include information about other Commission licenses, if any, available for auction in Auction No. 35.

The Balanced Budget Act of 1997 requires the Commission to “ensure that, in the scheduling of any competitive bidding under this subsection, an adequate period is allowed . . . before issuance of bidding rules, to permit notice and comment on proposed auction procedures . . . .”<sup>2</sup> Consistent with the provisions of the Balanced Budget Act and to ensure that potential bidders have adequate time to familiarize themselves with the specific rules that will govern the day-to-day conduct of an auction, the Commission directed the Bureau, under its existing delegated authority,<sup>3</sup> to seek

<sup>1</sup> “Auction of C and F Block Broadband PCS Licenses, Notice of Auction Scheduled for July 26, 2000,” *Public Notice*, DA 00-49 (rel. January 12, 2000). For C block broadband PCS license competitive bidding rules, see Amendment of the Commission’s Rules Regarding Installment Payment Financing for Personal Communications Services (PCS) Licenses, *Fourth Report and Order*, FCC 98-176, 13 FCC Rcd 15743 (1998) (“*C Block Fourth Report and Order*”), *aff’d*, *Order on Reconsideration of the Fourth Report and Order*, FCC 00-54 (rel. February 29, 2000); see also Installment Payment Financing for Personal Communications Services (PCS) Licenses, 63 Fed. Reg. 50,791 (September 23, 1998). *But see supra* note 5.

<sup>2</sup> Section 3002(a)(E)(i), Balanced Budget Act of 1997, Pub. L. 105-33, 111 Stat. 251 (1997) (“Balanced Budget Act”).

<sup>3</sup> See Amendment of Part 1 of the Commission’s Rules—Competitive Bidding Proceeding, WT Docket No. 97-82, *Order, Memorandum Opinion and Order, and Notice of Proposed Rule Making*, 12 FCC Rcd 5686, 5697, ¶ 16 (1997) (“*Part 1 Order*”) (“We also clarify that pursuant to Section 0.131 of our rules, the Chief,

comment on a variety of auction-specific procedures prior to the start of each auction.<sup>4</sup> The Bureau recognizes that there are pending petitions and waiver requests, the resolution of which could affect participation in Auction No. 35.<sup>5</sup> We therefore seek comment on the following issues relating to Auction No. 35 from any interested party.

## **I. Auction Structure**

### **A. Simultaneous Multiple Round Auction Design**

We propose to conduct the competitive bidding for these licenses by a single, simultaneous multiple-round auction. As described further below, this methodology offers every license for bid at the same time, with successive bidding rounds in which bidders may place bids. We seek comment on this proposal.

### **B. Upfront Payments and Initial Maximum Eligibility**

The Bureau has delegated authority and discretion to determine an appropriate upfront payment for each license being auctioned, taking into account such factors as the population in each geographic license area, and the value of similar spectrum.<sup>6</sup> As described further below, the upfront payment is a refundable deposit made by each bidder to establish eligibility to bid on licenses. The proposed upfront payment formulae take into account information gained in sales of these broadband PCS licenses from previous auctions. Also, as required by the *C Block Fourth Report and Order*, the upfront payment amount for “former defaulters,” i.e., applicants that have ever been in default on any Commission licenses or have ever been delinquent on any non-tax debt

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Wireless Telecommunications Bureau, has delegated authority to implement all of the Commission's rules pertaining to auctions procedures”).

<sup>4</sup> See Amendment of Part 1 of the Commission's Rules -- Competitive Bidding Procedures, Allocation of Spectrum Below 5 GHz Transferred from Federal Government Use, 4660-4685 MHz, WT Docket No. 97-82, ET Docket No. 94-32, *Third Report and Order and Second Further Notice of Proposed Rule Making*, 13 FCC Rcd 374, 448, ¶ 124 (1998) (“*Part 1 Third Report and Order*”). The Commission directed the Bureau to seek comment on specific mechanisms related to day-to-day auction conduct including, for example, the structure of bidding rounds and stages, establishment of minimum opening bids or reserve prices, minimum accepted bids, initial maximum eligibility for each bidder, activity requirements for each stage of the auction, activity rule waivers, criteria for determining reductions in eligibility, information regarding bid withdrawal and bid removal, stopping rules, and information relating to auction delay, suspension or cancellation. *Id.* at ¶ 125.

<sup>5</sup> See “Wireless Telecommunications Bureau Seeks Comment on AT&T Wireless Services, Inc., BellSouth Corporation and Bell Atlantic Mobile, Inc. Petitions Regarding CMRS Spectrum Cap Limits,” *Public Notice*, DA 00-318 (rel. February 18, 2000) and “Extension of Filing Deadline for Comments to the Petitions Filed by SBC Communications Inc. and Nextel Communications, Inc. Regarding PCS C and F Block Rules,” *Public Notice*, DA 00-271 (rel. February 11, 2000); see also “Wireless Telecommunications Bureau Seeks Comment on Nextel Communications, Inc.’s Petition Regarding PCS C and F Block Spectrum, Extension of Filing Deadline For Comments to SBC Communications Inc.’s Request for Waiver,” *Public Notice*, DA 00-191 (rel. February 3, 2000), “Wireless Telecommunications Bureau Seeks Comment on SBC Communications Inc.’s Request For Waiver of the Eligibility Requirements For Participation in the Upcoming PCS C and F Block Auction,” *Public Notice*, DA 00-145 (rel. January 31, 2000).

<sup>6</sup> See *Part 1 Order*, 12 FCC Rcd at 5697-98, ¶ 16 (1997); see also *Part 1 Third Report and Order*, 13 FCC Rcd at 425, ¶ 86.

owed to any Federal agency, will be fifty percent more than the normal amount required to be paid.<sup>7</sup>

We propose the following formulae for upfront payments:

- (1) 30 MHz licenses      5 % of most recent net high bid for C block licenses in same BTA
- (2) 15 MHz licenses      2.5 % of most recent net high bid for C block licenses in same BTA
- (3) 10 MHz licenses      1.6 % of most recent net high bid for C block licenses in same BTA

A complete list of all licenses, including the related population and upfront payments, are attached hereto as Attachment A. We seek comment on this proposal.

For Auction No. 35, we further propose that the amount of the upfront payment submitted by a bidder will determine the initial maximum eligibility (as measured in bidding units) for each bidder. Upfront payments will not be attributed to specific licenses, but instead will be translated into bidding units to define a bidder's initial maximum eligibility, which cannot be increased during the auction. Thus, in calculating the upfront payment amount, an applicant must determine the *maximum* number of bidding units it may wish to bid on (or hold high bids on) in any single round, and submit an upfront payment covering that number of bidding units. We seek comment on this proposal.

### **C. Activity Rules**

In order to ensure that the auction closes within a reasonable period of time, an activity rule requires bidders to bid actively on a percentage of their maximum bidding eligibility during each round of the auction rather than waiting until the end to participate. A bidder that does not satisfy the activity rule will either lose bidding eligibility in the next round or use an activity rule waiver, if any remain.

We propose to divide the auction into three stages: Stage One, Stage Two and Stage Three, each characterized by an increased activity requirement. The auction will start in Stage One. We propose that the auction will generally advance to the next stage (*i.e.*, from Stage One to Stage Two, and from Stage Two to Stage Three) when the auction activity level, as measured by the percentage of bidding units receiving new high bids, is approximately ten percent or below for three consecutive rounds of bidding in each stage. However, we further propose that the Bureau retain the discretion to change stages unilaterally by announcement during the auction. In exercising this discretion, the Bureau will consider a variety of measures of bidder activity, including, but not limited to, the auction activity level, the percentage of licenses (as measured in bidding units) on which there are new bids, the number of new bids, and the percentage increase in revenue. We seek comment on these proposals.

For Auction No. 35, we propose the following activity requirements:

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<sup>7</sup> *C Block Fourth Report and Order* at 15761-62, ¶ 34, *see* 47 C.F.R. §§1.2105(a)(2)(xi) and 24.709(a)(5).

Stage One: In each round of Stage One, a bidder desiring to maintain its current eligibility be required to be active on licenses encompassing at least 80 percent of its current bidding eligibility. Failure to maintain the requisite activity level will result in a reduction in the bidder's bidding eligibility in the next round of bidding (unless an activity rule waiver is used). During Stage One, reduced eligibility for the next round will be calculated by multiplying the current round activity by five-fourths (5/4).

Stage Two: In each round of the second stage of the auction, a bidder desiring to maintain its current eligibility is required to be active on at least 90 percent of its current bidding eligibility. During Stage Two, reduced eligibility for the next round will be calculated by multiplying the current round activity by ten-ninths (10/9).

Stage Three: In each round of Stage Three, a bidder desiring to maintain its current eligibility is required to be active on 98 percent of its current bidding eligibility. In this final stage, reduced eligibility for the next round will be calculated by multiplying the current round activity by fifty-fortyninths (50/49).

We seek comment on these proposals.

#### **D. Activity Rule Waivers and Reducing Eligibility**

Use of an activity rule waiver preserves the bidder's current bidding eligibility despite the bidder's activity in the current round being below the required minimum level. An activity rule waiver applies to an entire round of bidding and not to a particular license. Activity waivers are principally a mechanism for auction participants to avoid the loss of auction eligibility in the event that exigent circumstances prevent them from placing a bid in a particular round.

The FCC auction system assumes that bidders with insufficient activity would prefer to use an activity rule waiver (if available) rather than lose bidding eligibility. Therefore, the system will automatically apply a waiver (known as an "automatic waiver") at the end of any bidding period where a bidder's activity level is below the minimum required unless: (1) there are no activity rule waivers available; or (2) the bidder overrides the automatic application of a waiver by reducing eligibility, thereby meeting the minimum requirements.

A bidder with insufficient activity may wish to reduce its bidding eligibility rather than use an activity rule waiver. If so, the bidder must affirmatively override the automatic waiver mechanism during the bidding period by using the reduce eligibility function in the software. In this case, the bidder's eligibility is permanently reduced to bring the bidder into compliance with the activity rules as described above. Once eligibility has been reduced, a bidder will not be permitted to regain its lost bidding eligibility.

A bidder may proactively use an activity rule waiver as a means to keep the auction open without placing a bid. If a bidder submits a proactive waiver (using the proactive waiver function in the bidding software) during a bidding period in which no bids or withdrawals are submitted, the auction will remain open and the bidder's eligibility will be preserved. An automatic waiver invoked in a round in which there are no new valid bids or withdrawals will not keep the auction open.

We propose that each bidder in Auction No. 35 be provided with five activity rule waivers that may be used at the bidder's discretion during the course of the auction as set forth above. We seek comment on this proposal.

## **E. Information Relating to Auction Delay, Suspension or Cancellation**

For Auction No. 35, we propose that, by public notice or by announcement during the auction, the Bureau may delay, suspend or cancel the auction in the event of natural disaster, technical obstacle, evidence of an auction security breach, unlawful bidding activity, administrative or weather necessity, or for any other reason that affects the fair and competitive conduct of competitive bidding.<sup>8</sup> In such cases, the Bureau, in its sole discretion, may elect to resume the auction starting from the beginning of the current round; resume the auction starting from some previous round; or cancel the auction in its entirety. Network interruption may cause the Bureau to delay or suspend the auction. We emphasize that exercise of this authority is solely within the discretion of the Bureau, and its use is not intended to be a substitute for situations in which bidders may wish to apply their activity rule waivers. We seek comment on this proposal.

## **II. Bidding Procedures**

### **A. Round Structure**

The Commission will use its Automated Auction System to conduct the electronic simultaneous multiple round auction format for Auction No. 35. The initial bidding schedule will be announced in a public notice to be released at least one week before the start of the auction, and will be included in the registration mailings. The auction format will consist of sequential bidding rounds, each followed by the release of round results. Details regarding the location and format of round results will be included in the same public notice.

The Bureau has discretion to change the bidding schedule in order to foster an auction pace that reasonably balances speed with the bidders' need to study round results and adjust their bidding strategies. The Bureau may increase or decrease the amount of time for the bidding rounds and review periods, or the number of rounds per day, depending upon the bidding activity level and other factors. We seek comment on this proposal.

### **B. Reserve Price or Minimum Opening Bid**

The Balanced Budget Act calls upon the Commission to prescribe methods by which a reasonable reserve price will be required or a minimum opening bid established when FCC licenses are subject to auction (*i.e.*, because the Commission has accepted mutually exclusive applications for those licenses), unless the Commission determines that a reserve price or minimum bid is not in the public interest.<sup>9</sup> Consistent with this mandate, the Commission has directed the Bureau to seek

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<sup>8</sup> See 47 C.F.R. § 1.2104(i).

<sup>9</sup> See Balanced Budget Act, Section 3002(a). The Commission's authority to establish a reserve price or minimum opening bid is set forth in 47 C.F.R. § 1.2104(c) and (d).

comment on the use of a minimum opening bid and/or reserve price prior to the start of each auction.<sup>10</sup>

Normally, a reserve price is an absolute minimum price below which an item will not be sold in a given auction. Reserve prices can be either published or unpublished. A minimum opening bid, on the other hand, is the minimum bid price set at the beginning of the auction below which *no bids* are accepted. It is generally used to accelerate the competitive bidding process. Also, in a minimum opening bid scenario, the auctioneer generally has the discretion to lower the amount later in the auction. It is also possible for the minimum opening bid and the reserve price to be the same amount.

In light of the Balanced Budget Act, the Bureau proposes to establish minimum opening bids for Auction No. 35. The Bureau believes a minimum opening bid, which has been utilized in other auctions, is an effective bidding tool.<sup>11</sup> A minimum opening bid, rather than a reserve price, will help to regulate the pace of the auction and provides flexibility.

Because both the C and F spectrum blocks are being auctioned at the same time, under the same general conditions, the Commission believes that it is appropriate to use a common baseline to establish the minimum opening bid formulae for all of the licenses in the auction. The net high bids from prior C block auctions provide the most comprehensive broadband PCS baseline. We, therefore, propose to base the minimum opening bids for each license available in Auction No. 35, including F block licenses, on the most recent net high bid for the C block license in the same BTA.

We propose the following formulae for calculating minimum opening bids:

- (1) 30 MHz licenses      10 % of most recent net high bid for C block licenses in same BTA
- (2) 15 MHz licenses      5 % of most recent net high bid for C block licenses in same BTA
- (3) 10 MHz licenses      3.2 % of most recent net high bid for C block licenses in same BTA

The specific minimum opening bid for each license available in Auction No. 35 is set forth in Attachment A herein. We believe these minimum opening bids best meet the objectives of our auction authority in establishing reasonable minimum opening bids. The Commission believes these minimum opening bids will speed the course of the auction and ensure that valuable assets are not sold for nominal prices without unduly interfering with the efficient assignment of licenses. Minimum opening bids are reducible at the discretion of the Bureau. This discretion will allow the Bureau flexibility to adjust the minimum opening bids if circumstances warrant. We emphasize, however, that such discretion will be exercised, if at all,

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<sup>10</sup> See *Part I Third Report and Order*, 13 FCC Rcd at 454-455, ¶ 141 (1998).

<sup>11</sup> See, e.g., *Auction of 800 MHz SMR Upper 10 MHz Band, Minimum Opening Bids or Reserve Prices*, DA 97-2147, *Order*, 12 FCC Rcd 16354 (1997); *Auction of the Phase II 220 MHz Service Licenses, Auction Notice and Filing Requirements for 908 Licenses Consisting of Economic Area (EA), Economic Area Grouping (EAG), and Nationwide Licenses, Scheduled for September 15, 1998, Minimum Opening Bids and Other Procedural Issues*, *Public Notice*, 13 FCC Rcd 16445 (1998).

sparingly and early in the auction, *i.e.*, before bidders lose all waivers and begin to lose substantial eligibility. During the course of the auction, the Bureau will not entertain any bidder requests to reduce the minimum opening bid on specific licenses. We seek comment on these proposals.

If commenters believe that these minimum opening bids will result in substantial numbers of unsold licenses, or is not a reasonable amount, or should instead operate as a reserve price, they should explain why this is so, and comment on the desirability of an alternative approach. Commenters are advised to support their claims with valuation analyses and suggested reserve prices or minimum opening bid levels or formulas. In establishing the minimum opening bids, we particularly seek comment on such factors as, among other things, the amount of spectrum being auctioned, levels of incumbency, the availability of technology to provide service, the size of the geographic service areas, issues of interference with other spectrum bands and any other relevant factors that could reasonably have an impact on valuation of C and F block licenses. Alternatively, comment is sought on whether, consistent with the Balanced Budget Act, the public interest would be served by having no minimum opening bid or reserve price.

### **C. Minimum Accepted Bids and Bid Increments**

Once there is a standing high bid on a license, a bid increment will be applied to that license to establish a minimum acceptable bid for the following round. For Auction No. 35, we propose to use a smoothing methodology to calculate bid increments, as we have done in several other auctions. The Bureau retains the discretion to change the minimum bid increment if it determines that circumstances so dictate. The Bureau will do so by announcement in the Automated Auction System. We seek comment on these proposals.

The exponential smoothing formula calculates the bid increment for each license based on a weighted average of the activity received on each license in all previous rounds. This methodology will tailor the bid increment for each license based on activity, rather than setting a global increment for all licenses. For every license that receives a bid, the bid increment for the next round for that license will be established using the exponential smoothing formula.

The calculation of the percentage bid increment for each license in a given round is made at the end of the previous round. The computation is based on an activity index, which is calculated as the weighted average of the activity in that round and the activity index from the prior round. The activity index at the start of the auction (round 0) will be set at 0. The current activity index is equal to a weighting factor times the number of new bids received on the license in the most recent bidding round plus one minus the weighting factor times the activity index from the prior round. The activity index is then used to calculate a percentage increment by multiplying a minimum percentage increment by one plus the activity index with that result being subject to a maximum percentage increment. The Commission will initially set the weighting factor at 0.5, the minimum percentage increment at 0.1, and the maximum percentage increment at 0.2.

#### **Equations**

$$A_i = (C * B_i) + (1-C) * A_{i-1}$$
$$I_{i+1} = \text{smaller of } ((1 + A_i) * N) \text{ and } M$$

where,

$A_i$  = activity index for the current round (round i)  
 $C$  = activity weight factor  
 $B_i$  = number of bids in the current round (round i)  
 $A_{i-1}$  = activity index from previous round (round i-1),  $A_0$  is 0  
 $I_{i+1}$  = percentage bid increment for the next round (round i+1)  
 $N$  = minimum percentage increment or bid increment floor  
 $M$  = maximum percentage increment or bid increment ceiling

Under the exponential smoothing methodology, once a bid has been received on a license, the minimum acceptable bid for that license in the following round will be the new high bid plus the dollar amount associated with the percentage increment (variable  $I_{i+1}$  from above times the high bid). This result will be rounded to the nearest thousand if it is over ten thousand or to the nearest hundred if it is under ten thousand.

### Examples

License 1  
 $C=0.5$ ,  $N = 0.1$ ,  $M = 0.2$

#### Round 1 (2 new bids, high bid = \$1,000,000)

1. Calculation of percentage increment for round 2 using exponential smoothing:  
 $A_1 = (0.5 * 2) + (0.5 * 0) = 1$   
 $I_2 =$  The smaller of  $((1 + 1) * 0.1) = 0.2$  or  $0.2$  (the maximum percentage increment)
2. Minimum bid increment for round 2 using the percentage increment ( $I_2$  from above)  
 $0.2 * \$1,000,000 = \$200,000$
3. Minimum acceptable bid for round 2 = \$1,200,000

#### Round 2 (3 new bids, high bid = \$2,000,000)

1. Calculation of percentage increment for round 3 using exponential smoothing:  
 $A_2 = (0.5 * 3) + (0.5 * 1) = 2$   
 $I_3 =$  The smaller of  $((1 + 2) * 0.1) = 0.3$  or  $0.2$  (the maximum percentage increment)
2. Minimum bid increment for round 3 using the percentage increment ( $I_3$  from above)  
 $0.2 * \$2,000,000 = \$400,000$
3. Minimum acceptable bid for round 3 = \$2,400,000

#### Round 3 (1 new bid, high bid = \$2,400,000)

1. Calculation of percentage increment for round 4 using exponential smoothing:  
 $A_3 = (0.5 * 1) + (0.5 * 2) = 1.5$   
 $I_4 =$  The smaller of  $((1 + 1.5) * 0.1) = 0.25$  or  $0.2$  (the maximum percentage increment)
2. Minimum bid increment for round 4 using the percentage increment ( $I_4$  from above)



$$0.2 * \$2,400,000 = \$480,000$$

3. Minimum acceptable bid for round 4 = \$2,880,000

## **D. Information Regarding Bid Withdrawal and Bid Removal**

For Auction No. 35, we propose the following bid removal and bid withdrawal procedures. Before the close of a bidding period, a bidder has the option of removing any bids placed in that round. By using the remove bid function in the software, a bidder may effectively “unsubmit” any bid placed within that round. A bidder removing a bid placed in the same round is not subject to withdrawal payments, but will affect a bidder’s activity for the round in which it is removed.

Once a round closes, a bidder may no longer remove a bid. However, in the next round, a bidder may withdraw standing high bids from previous rounds using the withdraw bid function. A high bidder that withdraws its standing high bid from a previous round is subject to the bid withdrawal payment provisions.<sup>12</sup> We seek comment on these bid removal and bid withdrawal procedures.

In the *Part 1 Third Report and Order*, the Commission explained that allowing bid withdrawals facilitates efficient aggregation of licenses and the pursuit of efficient backup strategies as information becomes available during the course of an auction. The Commission noted, however, that, in some instances, bidders may seek to withdraw bids for improper reasons. The Bureau, therefore, has discretion, in managing the auction, to limit the number of withdrawals to prevent any bidding abuses. The Commission stated that the Bureau should assertively exercise its discretion, consider limiting the number of rounds in which bidders may withdraw bids, and prevent bidders from bidding on a particular market if the Bureau finds that a bidder is abusing the Commission's bid withdrawal procedures.<sup>13</sup>

Applying this reasoning, we propose to limit each bidder in Auction No. 35 to withdraw standing high bids in no more than two rounds during the course of the auction. To permit a bidder to withdraw bids in more than two rounds would likely encourage insincere bidding or the use of withdrawals for anti-competitive strategic purposes. The two rounds in which withdrawals are utilized will be at the bidder's discretion; withdrawals otherwise must be in accordance with the Commission's rules. There is no limit on the number of standing high bids that may be withdrawn in either of the rounds in which withdrawals are utilized. Withdrawals will remain subject to the bid withdrawal payment provisions specified in the Commission's rules. We seek comment on this proposal.

## **E. Stopping Rule**

For Auction No. 35, the Bureau proposes to employ a simultaneous stopping rule approach. The Bureau has discretion “to establish stopping rules before or during multiple round auctions in order to terminate the auction within a reasonable time.”<sup>14</sup> A simultaneous stopping rule means that all licenses remain open until the first round in which no new acceptable bids, proactive

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<sup>12</sup> See 47 C.F.R. §§ 1.2104(g); 1.2109.

<sup>13</sup> *Part 1 Third Report and Order*, 13 FCC Rcd at 460, ¶ 150.

<sup>14</sup> 47 C.F.R. § 1.2104(e).

waivers or withdrawals are received. After the first such round, bidding closes simultaneously on all licenses. Thus, unless circumstances dictate otherwise, bidding would remain open on all licenses until bidding stops on every license.

The Bureau seeks comment on a modified version of the simultaneous stopping rule. The modified stopping rule would close the auction for all licenses after the first round in which no bidder submits a proactive waiver, a withdrawal, or a new bid on any license on which it is not the standing high bidder. Thus, absent any other bidding activity, a bidder placing a new bid on a license for which it is the standing high bidder would not keep the auction open under this modified stopping rule.

The Bureau proposes to retain the discretion to keep an auction open even if no new acceptable bids or proactive waivers are submitted and no previous high bids are withdrawn. In this event, the effect will be the same as if a bidder had submitted a proactive waiver. The activity rule, therefore, will apply as usual, and a bidder with insufficient activity will either lose bidding eligibility or use a remaining activity rule waiver.

Finally, we propose that the Bureau reserve the right to declare that the auction will end after a specified number of additional rounds ("special stopping rule"). If the Bureau invokes this special stopping rule, it will accept bids in the final round(s) only for licenses on which the high bid increased in at least one of the preceding specified number of rounds. The Bureau proposes to exercise this option only in certain circumstances, such as, for example, where the auction is proceeding very slowly, there is minimal overall bidding activity, or it appears likely that the auction will not close within a reasonable period of time. Before exercising this option, the Bureau is likely to attempt to increase the pace of the auction by, for example, moving the auction into the next stage (where bidders would be required to maintain a higher level of bidding activity), increasing the number of bidding rounds per day, and/or increasing the amount of the minimum bid increments for the limited number of licenses where there is still a high level of bidding activity. We seek comment on these proposals.

### **III. Conclusion**

Comments are due on or before March 24, 2000, and reply comments are due on or before April 4, 2000. An original and four copies of all pleadings must be filed with the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., TW-A325, Washington, DC 20054, in accordance with Section 1.51(c) of the Commission's rules. See 47 C.F.R. § 1.51(c). In addition, one copy of each pleading must be delivered to each of the following locations: (1) the Commission's duplicating contractor, International Transcription Service, Inc. (ITS), 1231 20th Street, N.W., Washington, DC 20036; (2) Office of Media Relations, Public Reference Center, 445 Twelfth Street, S.W., Suite CY-A257, Washington, DC 20554; (3) Rana Shuler, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, 445 Twelfth Street, S.W., Suite 4-A628, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Public Reference Room, Room CY-A257, 445 12th Street, S.W., Washington, D.C. 20554.

For further information concerning this proceeding, contact the Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Craig Bomberger, Auctions Analyst, at (202) 418-0660; or Kathy Garland, Project Manager, at (717) 338-2888.

– FCC

## ATTACHMENT A

### Upfront Payments and Minimum Opening Bids for Auction No. 35

Market No.	Market Name	License No.	Block	MHz	Population*	Net High Bid from Previous Auction	Bidding Units	Upfront Payment	Minimum Opening Bid
BTA004	Ada, OK	CWB004C	C	30	52,677	\$783,000	39,000	\$39,000	\$78,000
BTA007	Albany, NY	CWB007C	C	30	1,028,615	\$34,021,500	1,701,000	\$1,701,000	\$3,402,000
BTA008	Albuquerque, NM	CWB008C1	C	15	688,612	\$33,322,500	833,000	\$833,000	\$1,666,000
BTA010	Allentown, PA	CWB010C	C	30	686,688	\$18,208,500	910,000	\$910,000	\$1,821,000
BTA020	Asheville, NC	CWB020C	C	30	510,055	\$7,726,500	386,000	\$386,000	\$773,000
BTA024	Atlanta, GA	CWB024F	F	10	3,197,171	\$199,152,000	3,186,000	\$3,186,000	\$6,373,000
BTA025	Atlantic City, NJ	CWB025F	F	10	319,416	\$14,625,011	234,000	\$234,000	\$468,000
BTA027	Austin, TX	CWB027C	C	30	899,361	\$49,192,500	2,460,000	\$2,460,000	\$4,919,000
BTA029	Baltimore, MD	CWB029C	C	30	2,430,563	\$94,134,000	4,707,000	\$4,707,000	\$9,413,000
BTA036	Bellingham, WA	CWB036C	C	30	127,780	\$6,147,751	307,000	\$307,000	\$615,000
BTA043	Binghamton, NY	CWB043C2	C	15	356,645	\$6,902,254	173,000	\$173,000	\$345,000
BTA045	Bismark, ND	CWB045C	C	30	123,682	\$557,275	28,000	\$28,000	\$56,000
BTA047	Bloomington, IN	CWB047C	C	30	217,914	\$5,679,750	284,000	\$284,000	\$568,000
BTA050	Boise, ID	CWB050F	F	10	416,503	\$7,742,325	124,000	\$124,000	\$248,000
BTA051	Boston, MA	CWB051C	C	30	4,133,895	\$231,174,000	11,559,000	\$11,559,000	\$23,117,000
BTA055	Bremerton, WA	CWB055C2	C	15	189,731	\$9,202,500	230,000	\$230,000	\$460,000
BTA056	Brownsville, TX	CWB056C	C	30	277,825	\$13,217,250	661,000	\$661,000	\$1,322,000
BTA059	Bryan, TX	CWB059C	C	30	150,998	\$4,437,794	222,000	\$222,000	\$444,000
BTA063	Burlington, VT	CWB063C2	C	15	369,128	\$8,721,000	218,000	\$218,000	\$436,000
BTA064	Butte, MT	CWB064C	C	30	65,252	\$260,833	13,000	\$13,000	\$26,000
BTA067	Carbondale, IL	CWB067C	C	30	209,497	\$2,370,750	119,000	\$119,000	\$237,000
BTA074	Charlotte, NC	CWB074C	C	30	1,671,037	\$83,651,250	4,183,000	\$4,183,000	\$8,365,000
BTA077	Cheyenne, WY	CWB077C	C	30	103,939	\$3,684,750	184,000	\$184,000	\$368,000
BTA078	Chicago, IL	CWB078F	F	10	8,182,076	\$461,009,045	7,376,000	\$7,376,000	\$14,752,000
BTA081	Cincinnati, OH	CWB081C	C	30	1,990,451	\$69,444,000	3,472,000	\$3,472,000	\$6,944,000
BTA084	Cleveland, OH	CWB084C	C	30	2,894,133	\$128,691,000	6,435,000	\$6,435,000	\$12,869,000
BTA091	Columbia, SC	CWB091F	F	10	568,754	\$22,111,559	354,000	\$354,000	\$708,000
BTA093	Columbus, IN	CWB093C	C	30	139,128	\$1,208,250	60,000	\$60,000	\$121,000
BTA095	Columbus, OH	CWB095C	C	30	1,477,891	\$45,475,500	2,274,000	\$2,274,000	\$4,548,000
BTA099	Corpus Christi, TX	CWB099F	F	10	499,988	\$10,306,508	165,000	\$165,000	\$330,000
BTA101	Dallas, TX	CWB101F	F	10	4,329,924	\$291,023,250	4,656,000	\$4,656,000	\$9,313,000
BTA106	Dayton, OH	CWB106C	C	30	1,207,689	\$33,697,500	1,685,000	\$1,685,000	\$3,370,000
BTA107	Daytona Beach, FL	CWB107F	F	10	399,413	\$18,351,000	294,000	\$294,000	\$587,000
BTA110	Denver, CO	CWB110C	C	30	2,073,952	\$113,548,872	5,677,000	\$5,677,000	\$11,355,000
BTA116	Dover, DE	CWB116F	F	10	251,257	\$8,798,261	141,000	\$141,000	\$282,000
BTA117	Du Bois, PA	CWB117C2	C	15	124,180	\$1,656,758	41,000	\$41,000	\$83,000
BTA127	Elmira, NY	CWB127C2	C	15	315,038	\$4,163,325	104,000	\$104,000	\$208,000
BTA128	El Paso, TX	CWB128C	C	30	649,860	\$25,747,500	1,287,000	\$1,287,000	\$2,575,000
BTA130	Enid, OK	CWB130C	C	30	85,998	\$285,750	14,000	\$14,000	\$29,000
BTA135	Evansville, IN	CWB135C	C	30	504,859	\$6,925,505	346,000	\$346,000	\$693,000
BTA136	Fairbanks, AK	CWB136C	C	30	92,111	\$562,500	28,000	\$28,000	\$56,000
BTA159	Gainesville, FL	CWB159C	C	30	260,538	\$7,143,910	357,000	\$357,000	\$714,000
BTA172	Greeley, CO	CWB172C	C	30	131,821	\$3,840,750	192,000	\$192,000	\$384,000
BTA174	Greensboro, NC	CWB174C	C	30	1,241,349	\$49,679,250	2,484,000	\$2,484,000	\$4,968,000
BTA177	Greenville, SC	CWB177F	F	10	788,212	\$24,799,500	397,000	\$397,000	\$794,000
BTA179	Hagerstown, MD	CWB179C	C	30	327,693	\$5,634,750	282,000	\$282,000	\$563,000
BTA181	Harrisburg, PA	CWB181F	F	10	654,808	\$17,457,761	279,000	\$279,000	\$559,000
BTA188	Helena, MT	CWB188C	C	30	58,752	\$1,158,000	58,000	\$58,000	\$116,000
BTA189	Hickory, NC	CWB189C	C	30	292,409	\$3,528,750	176,000	\$176,000	\$353,000
BTA190	Hilo, HI	CWB190F	F	10	120,317	\$3,611,262	58,000	\$58,000	\$116,000
BTA192	Honolulu, HI	CWB192F	F	10	836,231	\$53,594,250	858,000	\$858,000	\$1,715,000
BTA196	Houston, TX	CWB196C	C	30	4,054,253	\$198,474,750	9,924,000	\$9,924,000	\$19,847,000
BTA203	Indiana, PA	CWB203C2	C	15	89,994	\$1,076,258	27,000	\$27,000	\$54,000
BTA204	Indianapolis, IN	CWB204C	C	30	1,321,911	\$72,456,750	3,623,000	\$3,623,000	\$7,246,000
BTA212	Jacksonville, FL	CWB212C	C	30	1,114,847	\$38,245,500	1,912,000	\$1,912,000	\$3,825,000
BTA215	Jamestown, NY	CWB215C	C	30	186,945	\$3,793,500	190,000	\$190,000	\$379,000
BTA216	Janesville, WI	CWB216F	F	10	214,510	\$4,865,252	78,000	\$78,000	\$156,000
BTA218	Johnstown, PA	CWB218C	C	30	241,247	\$2,480,000	124,000	\$124,000	\$248,000
BTA220	Joplin, MO	CWB220C	C	30	215,095	\$2,868,000	143,000	\$143,000	\$287,000
BTA221	Juneau, AK	CWB221C	C	30	68,989	\$622,613	31,000	\$31,000	\$62,000
BTA222	Kahului, HI	CWB222F	F	10	100,504	\$7,752,000	124,000	\$124,000	\$248,000
BTA224	Kalispell, MT	CWB224C	C	30	59,218	\$715,501	36,000	\$36,000	\$72,000
BTA225	Kankakee, IL	CWB225F	F	10	127,042	\$912,203	15,000	\$15,000	\$29,000
BTA226	Kansas City, MO	CWB226C	C	30	1,839,569	\$59,334,000	2,967,000	\$2,967,000	\$5,933,000
BTA227	Keene, NH	CWB227C	C	30	111,709	\$3,795,000	190,000	\$190,000	\$380,000
BTA235	Lafayette, IN	CWB235C	C	30	247,523	\$9,208,683	460,000	\$460,000	\$921,000
BTA239	Lakeland, FL	CWB239C	C	30	405,382	\$18,840,788	942,000	\$942,000	\$1,884,000
BTA240	Lancaster, PA	CWB240F	F	10	422,822	\$13,198,416	211,000	\$211,000	\$422,000

## ATTACHMENT A

### Upfront Payments and Minimum Opening Bids for Auction No. 35

Market No.	Market Name	License No.	Block	MHz	Population*	Net High Bid from Previous Auction	Bidding Units	Upfront Payment	Minimum Opening Bid
BTA241	Lansing, MI	CWB241C	C	30	489,698	\$16,703,327	835,000	\$835,000	\$1,670,000
BTA244	Las Cruces, NM	CWB244C	C	30	197,166	\$7,281,001	364,000	\$364,000	\$728,000
BTA245	Las Vegas, NV	CWB245F	F	10	857,856	\$57,118,576	914,000	\$914,000	\$1,828,000
BTA250	Lewiston, ID	CWB250F	F	10	110,028	\$537,075	8,600	\$8,600	\$17,000
BTA251	Lewiston, ME	CWB251C2	C	15	221,697	\$4,626,000	116,000	\$116,000	\$231,000
BTA252	Lexington, KY	CWB252C	C	30	816,101	\$18,046,500	902,000	\$902,000	\$1,805,000
BTA254	Lihue, HI	CWB254F	F	10	51,177	\$2,512,500	40,000	\$40,000	\$80,000
BTA259	Logan, WV	CWB259C	C	30	43,032	\$639,000	32,000	\$32,000	\$64,000
BTA261	Longview, WA	CWB261C	C	30	85,446	\$2,856,001	143,000	\$143,000	\$286,000
BTA261	Longview, WA	CWB261F	F	10	85,446	\$2,856,001	46,000	\$46,000	\$91,000
BTA262	Los Angeles, CA	CWB262C	C	30	14,549,810	\$663,547,500	33,177,000	\$33,177,000	\$66,355,000
BTA263	Louisville, KY	CWB263C	C	30	1,352,955	\$55,351,500	2,768,000	\$2,768,000	\$5,535,000
BTA265	Lufkin, TX	CWB265C	C	30	144,081	\$2,840,250	142,000	\$142,000	\$284,000
BTA268	McAllen, TX	CWB268C	C	30	424,063	\$17,838,342	892,000	\$892,000	\$1,784,000
BTA274	Manchester, NH	CWB274C	C	30	540,704	\$19,102,500	955,000	\$955,000	\$1,910,000
BTA281	Marion, OH	CWB281C	C	30	92,023	\$1,211,250	61,000	\$61,000	\$121,000
BTA287	Meadville, PA	CWB287C2	C	15	86,169	\$1,343,254	34,000	\$34,000	\$67,000
BTA288	Medford, OR	CWB288F	F	10	209,038	\$4,284,750	69,000	\$69,000	\$137,000
BTA289	Melbourne, FL	CWB289C	C	30	398,978	\$14,041,500	702,000	\$702,000	\$1,404,000
BTA295	Middlesboro, KY	CWB295C2	C	15	121,217	\$1,681,514	42,000	\$42,000	\$84,000
BTA297	Milwaukee, WI	CWB297F	F	10	1,751,525	\$60,001,502	960,000	\$960,000	\$1,920,000
BTA298	Minneapolis, MN	CWB298C	C	30	2,840,561	\$110,781,879	5,539,000	\$5,539,000	\$11,078,000
BTA299	Minot, ND	CWB299C	C	30	122,687	\$251,666	13,000	\$13,000	\$25,000
BTA307	Mount Pleasant, MI	CWB307C	C	30	118,558	\$918,750	46,000	\$46,000	\$92,000
BTA317	New Castle, PA	CWB317C2	C	15	96,246	\$2,187,000	55,000	\$55,000	\$109,000
BTA318	New Haven, CT	CWB318C	C	30	978,311	\$41,887,500	2,094,000	\$2,094,000	\$4,189,000
BTA319	New London, CT	CWB319C	C	30	357,482	\$11,273,250	564,000	\$564,000	\$1,127,000
BTA321	New York, NY	CWB321C	C	30	18,050,615	\$994,134,750	49,707,000	\$49,707,000	\$99,413,000
BTA324	Norfolk, VA	CWB324C	C	30	1,635,296	\$65,676,750	3,284,000	\$3,284,000	\$6,568,000
BTA326	Ocala, FL	CWB326F	F	10	194,833	\$5,764,500	92,000	\$92,000	\$184,000
BTA328	Oil City, PA	CWB328C2	C	15	105,882	\$1,424,258	36,000	\$36,000	\$71,000
BTA329	Oklahoma City, OK	CWB329C	C	30	1,305,472	\$31,433,250	1,572,000	\$1,572,000	\$3,143,000
BTA330	Olean, NY	CWB330C	C	30	239,343	\$4,697,250	235,000	\$235,000	\$470,000
BTA331	Olympia, WA	CWB331C	C	30	258,937	\$13,803,751	690,000	\$690,000	\$1,380,000
BTA333	Oneonta, NY	CWB333C2	C	15	107,742	\$1,954,540	49,000	\$49,000	\$98,000
BTA336	Orlando, FL	CWB336C	C	30	1,256,429	\$69,888,750	3,494,000	\$3,494,000	\$6,989,000
BTA339	Paducah, KY	CWB339C	C	30	217,082	\$2,417,250	121,000	\$121,000	\$242,000
BTA341	Paris, TX	CWB341C	C	30	89,422	\$2,292,750	115,000	\$115,000	\$229,000
BTA346	Philadelphia, PA	CWB346F	F	10	5,899,345	\$320,238,761	5,124,000	\$5,124,000	\$10,248,000
BTA350	Pittsburgh, PA	CWB350C	C	30	2,507,839	\$65,377,500	3,269,000	\$3,269,000	\$6,538,000
BTA352	Plattsburgh, NY	CWB352C	C	30	123,121	\$1,282,500	64,000	\$64,000	\$128,000
BTA356	Port Angeles, WA	CWB356C2	C	15	76,610	\$597,150	15,000	\$15,000	\$30,000
BTA357	Portland, ME	CWB357C	C	30	471,614	\$13,524,000	676,000	\$676,000	\$1,352,000
BTA358	Portland, OR	CWB358C	C	30	1,690,930	\$105,260,393	5,263,000	\$5,263,000	\$10,526,000
BTA358	Portland, OR	CWB358F	F	10	1,690,930	\$105,260,393	1,684,000	\$1,684,000	\$3,368,000
BTA359	Portsmouth, OH	CWB359C	C	30	93,356	\$1,253,250	63,000	\$63,000	\$125,000
BTA361	Poughkeepsie, NY	CWB361C	C	30	424,766	\$13,583,250	679,000	\$679,000	\$1,358,000
BTA363	Presque Isle, ME	CWB363C	C	30	86,936	\$562,500	28,000	\$28,000	\$56,000
BTA364	Providence, RI	CWB364C	C	30	1,509,789	\$64,131,750	3,207,000	\$3,207,000	\$6,413,000
BTA365	Provo, UT	CWB365F	F	10	269,407	\$6,678,075	107,000	\$107,000	\$214,000
BTA370	Reading, PA	CWB370F	F	10	336,523	\$15,030,761	240,000	\$240,000	\$481,000
BTA374	Richmond, VA	CWB374C	C	30	1,090,869	\$51,425,250	2,571,000	\$2,571,000	\$5,143,000
BTA376	Roanoke, VA	CWB376C	C	30	609,215	\$19,399,500	970,000	\$970,000	\$1,940,000
BTA385	Roseburg, OR	CWB385F	F	10	94,649	\$1,659,000	27,000	\$27,000	\$53,000
BTA388	Rutland, VT	CWB388C2	C	15	97,987	\$2,850,375	71,000	\$71,000	\$143,000
BTA389	Sacramento, CA	CWB389F	F	10	1,656,581	\$108,832,500	1,741,000	\$1,741,000	\$3,483,000
BTA390	Saginaw-Bay, MI	CWB390C	C	30	615,364	\$12,139,043	607,000	\$607,000	\$1,214,000
BTA394	St Louis, MO	CWB394F	F	10	2,742,114	\$104,425,580	1,671,000	\$1,671,000	\$3,342,000
BTA398	Salisbury, MD	CWB398C	C	30	163,043	\$4,878,750	244,000	\$244,000	\$488,000
BTA398	Salisbury, MD	CWB398F	F	10	163,043	\$4,878,750	78,000	\$78,000	\$156,000
BTA399	Salt Lake City, UT	CWB399F	F	10	1,308,035	\$82,293,825	1,317,000	\$1,317,000	\$2,633,000
BTA401	San Antonio, TX	CWB401C	C	30	1,530,954	\$79,150,551	3,958,000	\$3,958,000	\$7,915,000
BTA402	San Diego, CA	CWB402C	C	30	2,498,016	\$123,084,000	6,154,000	\$6,154,000	\$12,308,000
BTA404	San Francisco, CA	CWB404F	F	10	6,420,984	\$403,256,250	6,452,000	\$6,452,000	\$12,904,000
BTA407	Santa Fe, NM	CWB407C1	C	15	174,526	\$6,600,000	165,000	\$165,000	\$330,000
BTA408	Sarasota, FL	CWB408C	C	30	513,348	\$25,527,830	1,276,000	\$1,276,000	\$2,553,000
BTA412	Scranton, PA	CWB412C	C	30	678,410	\$15,911,250	796,000	\$796,000	\$1,591,000
BTA413	Seattle, WA	CWB413C	C	30	2,708,949	\$190,062,750	9,503,000	\$9,503,000	\$19,006,000

## ATTACHMENT A

### Upfront Payments and Minimum Opening Bids for Auction No. 35

Market No.	Market Name	License No.	Block	MHz	Population*	Net High Bid from Previous Auction	Bidding Units	Upfront Payment	Minimum Opening Bid
BTA414	Sedalia, MO	CWB414C2	C	15	79,705	\$445,500	11,000	\$11,000	\$22,000
BTA416	Sharon, PA	CWB416C2	C	15	121,003	\$1,783,500	45,000	\$45,000	\$89,000
BTA425	Spokane, Wa	CWB425F	F	10	612,862	\$11,783,326	189,000	\$189,000	\$377,000
BTA428	Springfield, MO	CWB428C	C	30	532,880	\$11,351,250	568,000	\$568,000	\$1,135,000
BTA431	Steubenville, OH	CWB431C	C	30	142,523	\$1,221,000	61,000	\$61,000	\$122,000
BTA435	Stroudsburg, PA	CWB435C2	C	15	95,709	\$1,629,000	41,000	\$41,000	\$81,000
BTA440	Tampa, FL	CWB440C	C	30	2,249,405	\$97,839,000	4,892,000	\$4,892,000	\$9,784,000
BTA441	Temple, TX	CWB441C	C	30	291,768	\$4,522,501	226,000	\$226,000	\$452,000
BTA447	Tucson, AZ	CWB447C1	C	15	666,880	\$36,461,250	912,000	\$912,000	\$1,823,000
BTA448	Tulsa, OK	CWB448F	F	10	836,559	\$31,869,002	510,000	\$510,000	\$1,020,000
BTA452	Tyler, TX	CWB452F	F	10	269,762	\$9,651,000	154,000	\$154,000	\$309,000
BTA460	Walla Walla, WA	CWB460F	F	10	151,563	\$1,310,252	21,000	\$21,000	\$42,000
BTA461	Washington, DC	CWB461C	C	30	4,118,628	\$260,094,750	13,005,000	\$13,005,000	\$26,009,000
BTA463	Watertown, NY	CWB463C2	C	15	296,253	\$3,647,250	91,000	\$91,000	\$182,000
BTA470	West Plains, MO	CWB470C	C	30	67,165	\$262,500	13,000	\$13,000	\$26,000
BTA480	Worcester, MA	CWB480C	C	30	709,705	\$28,713,750	1,436,000	\$1,436,000	\$2,871,000
BTA482	Yakima, WA	CWB482F	F	10	215,548	\$3,558,001	57,000	\$57,000	\$114,000
BTA483	York, PA	CWB483F	F	10	417,848	\$9,045,011	145,000	\$145,000	\$289,000

	Total	160,273,503	\$7,466,559,482	284,613,600	\$284,613,600	\$569,212,000
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**Notes:**

\* All population figures are from the 4/1/90 U.S. Census, U.S. Department of Commerce, Bureau of the Census.