



PUBLIC NOTICE

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DA 16-7

APPLICATION INSTRUCTIONS FOR BROADCAST INCENTIVE AUCTION SCHEDULED TO BEGIN ON MARCH 29, 2016

INSTRUCTIONS FOR FCC FORM 175 APPLICATION TO PARTICIPATE IN THE FORWARD AUCTION (AUCTION 1002)

AU Docket No. 14-252

Released: January 19, 2016

I. GENERAL INFORMATION

1. In this Public Notice, the Wireless Telecommunications Bureau (Bureau) provides the filing instructions for the FCC Form 175, the application for parties seeking to participate in the forward auction (Auction 1002).¹ Specifically, Attachment 1 to this Public Notice provides the filing instructions for the FCC Form 175, including how an applicant can assert its eligibility for a designated entity bidding credit, select the license area(s) on which it wishes to bid (including for reserved spectrum), disclose auction-related agreements, and provide information regarding its ownership structure.

2. When filling out an FCC Form 175, you should follow the instructions in this Public Notice, along with the guidance provided in the *Auction 1000 Application Procedures Public Notice*.² You should also reference other public notices and/or decisions that have been issued in this proceeding, any future public notices and/or decisions that may be issued in this proceeding, and any other relevant public notices and/or decisions issued by the Commission in other proceedings that may relate to the incentive auction. Additional guidance, data, and information related to the broadcast incentive auction is available on the Auction 1000 website (www.fcc.gov/auctions/1000). Additionally, copies of these and other relevant documents are available at the FCC's headquarters located at 445 12th Street, SW, Washington, DC 20554 during normal business hours. A pre-auction process tutorial for the forward auction is available on the Auction 1002 website (www.fcc.gov/auctions/1002) to assist applicants with completing their applications.

¹ See *Application Procedures for Broadcast Incentive Auction Scheduled to Begin on March 29, 2016; Technical Formulas for Competitive Bidding*, Public Notice, 30 FCC Rcd 11034, 11037, para. 2 n.6 (WTB 2015) (*Auction 1000 Application Procedures Public Notice*). The FCC Form 175 filing window will open at 12:00 p.m. Eastern Time ("ET") on January 26, 2016, and close at 6:00 p.m. ET on February 9, 2016. The FCC Form 175 will be available when the filing window opens.

² See generally *id.*

II. CONTACTS

3. For further information concerning Auction 1002, contact the offices listed below:

FCC Auctions Hotline	(888) 225-5322, option two; or
General Auction Questions	(717) 338-2868
Auction Process and Procedures	Hours of service: 8:00 a.m. – 5:30 p.m. ET, Monday through Friday
Auctions and Spectrum Access Division, Wireless Telecommunications Bureau	
For general auction questions:	Linda Sanderson at (717) 338-2868
For Auction 1002 (forward) auction legal questions:	Valerie Barrish or Leslie Barnes at (202) 418-0660
Technical Support	(877) 480-3201, option nine; or (202) 414-1250
Electronic Filing	(202) 414-1255 (TTY)
FCC Auction System (Hardware/Software Issues)	Hours of service: 8:00 a.m. – 6:00 p.m. ET, Monday through Friday
Press Information	
For press questions:	Charles Meisch at (202) 418-2943
FCC Forms	(800) 418-3676 (outside Washington DC) (202) 418-3676 (in the Washington DC area) www.fcc.gov/forms
Consumer and Governmental Affairs Bureau	(202) 418-0530
For Accessible Formats	(202) 418-0432 (TTY) fcc504@fcc.gov
Office of Communications Business Opportunities	(202) 418-0990
For questions concerning small business inquiries	www.fcc.gov/ocbo/
FCC Internet Sites	<ul style="list-style-type: none"> • www.fcc.gov/auctions/1000 • www.fcc.gov/auctions/1002 • www.fcc.gov • www.fcc.gov/auctions • www.fcc.gov/about-fcc/fcc-initiatives/incentive-auctions • www.fcc.gov/media • apps.fcc.gov/ecfs

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ATTACHMENT 1

Forward Auction Application (FCC Form 175) Filing Instructions

I. APPLICATION PREPARATION AND SUBMISSION

1. An applicant must have an FCC Registration Number (FRN) and password in order to log in to the Commission's bidding system (Auction System) and complete an FCC Form 175 to participate in the forward auction (Auction 1002). You must be prepared to provide, among other things, basic information about the applicant's legal classification, contact information, and authorized bidders; indicate whether the applicant is seeking a designated entity bidding credit; select one or more license areas on which the applicant wishes to bid; disclose information about the applicant's ownership structure; and make certain certifications. Additional information about these requirements can be found in the *Auction 1000 Bidding Procedures Public Notice* and *Auction 1000 Application Procedures Public Notice*.³

2. Each applicant seeking to participate in the forward auction must submit an FCC Form 175 electronically, via the Auction System. **Applications to participate in the forward auction must be submitted and confirmed prior to 6:00 pm ET on February 9, 2016.**⁴ Late applications or unconfirmed submissions of electronic data will not be accepted.

3. All information that is required to be submitted as part of an application to participate in the forward auction is necessary to determine each applicant's qualifications and, as such, will be available for public inspection consistent with the information disclosure procedures in effect for Auction 1002.⁵ An applicant should take care not to include any unnecessary sensitive information, such as Taxpayer Identification Numbers or Social Security Numbers, in its application. An applicant may also request that information submitted not be made routinely available for public inspection following the procedures set forth in Section 0.459 of the Commission's rules.⁶ Such requests must be included as an attachment to the applicant's FCC Form 175 and must identify the specific information to which the request applies.⁷ Because the required information bears on each applicant's qualifications, requests for confidential treatment will not be routinely granted.⁸

4. You may make as many changes to an application as necessary from the time the initial application filing window opens at 12:00 p.m. ET on January 26, 2016, until the close of the initial filing window at 6:00 pm ET on February 9, 2016. Information in an application will not be considered by the Commission unless you click on the **CERTIFY & SUBMIT** button on the *Certify & Submit* screen in the

³ See generally *Broadcast Incentive Auction Scheduled to Begin March 29, 2016; Procedures for Competitive Bidding in Auction 1000, Including Initial Clearing Target Determination, Qualifying to Bid, and Bidding in Auctions 1001 (Reverse) and 1002 (Forward)*, Public Notice, 30 FCC Rcd 8975 (2015) (*Auction 1000 Bidding Procedures Public Notice*); *Auction 1000 Application Procedures Public Notice*; see also 47 CFR §§ 1.2200–1.2209; *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567 (2014) (modified by Erratum (rel. June 3, 2014)); *Incentive Auction Task Force Releases Revised Baseline Data and Prices for Reverse Auction; Announces Revised Filing Window Dates*, Public Notice, DA 15-1296 (WTB Nov. 12, 2015).

⁴ As discussed below, after the application has been submitted, a confirmation screen will be displayed that states the submission time and date, along with a unique file number.

⁵ See *Auction 1000 Bidding Procedures Public Notice*, 30 FCC Rcd at 9046, para. 138 n.433.

⁶ 47 CFR § 0.459.

⁷ The procedure for uploading application attachments is described below in Section I.C.8.

⁸ *Id.* § 0.459(a).

Auction System after providing or updating the information required in the FCC Form 175.⁹ You may withdraw a previously-submitted application at any time before the filing window closes. To do so, click on the **Withdraw Application** icon on the *Review or Modify Existing Applications* section of the *Auction Application Manager* screen. All previously-submitted data will be deleted.

A. Minimum Software Requirements

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

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

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

6. A PDF viewer is also required. Adobe Acrobat Reader 5.0 or higher is recommended (available at no cost at www.adobe.com). The minimum screen resolution for the Auction System is 1024 x 768.

B. Logging On

7. You must use the applicant's FRN and associated password to log into the Auction System. To submit an FCC Form 175 electronically via the Internet, open a web browser and click on either of these links: auctions.fcc.gov (primary location) or auctions2.fcc.gov (secondary location). On the Auction System screen, you may enter the applicant's FRN and password and click the **LOG IN** button, which will take you to the *My Auctions Page* screen.¹⁰ On this screen, you may create a new forward auction application by clicking on the link **Click here to file FCC Form 175**, which is under the "Incentive Auctions" heading.¹¹

C. Application Filing Instructions

8. The FCC Form 175 requests information used to determine whether the applicant is legally, technically, and financially qualified to participate in the forward auction.¹² You must provide information or responses to questions on a series of screens concerning the following: (1) *Applicant Information*, (2) *License Area Selection*, (3) *Agreements*, (4) *Ownership*, (5) *Summary*, and (6) *Certify &*

⁹ In order to reduce technical complications, you are encouraged to click buttons in the electronic application only once while navigating through the electronic FCC Form 175.

¹⁰ Applicants will not be able to access the "Online Bidding (Mock Auction)" or "Online Bidding (Live Auction)" portions of the Auction System from the *My Auctions Page* screen. Additional information about how to access and practice with the Auction System using SecurID® tokens (for applicants with "complete" applications) and how to participate in the mock auction and the forward auction (for applicants that become qualified to bid) will be available after the deadline for resubmitting corrected applications. See *Application Procedures for Broadcast Incentive Auction Scheduled to Begin on March 29, 2016; Updates and Other Supplemental Information*, Public Notice, DA 15-1428 at paras. 4, 8-9 (WTB Dec. 21, 2015) (*Tokens Public Notice*).

¹¹ Clicking this link will take you to the *Auction Application Manager* screen. Select the "Auction 1002" link to begin, review, modify, or withdraw an application. Please allow up to several minutes for your application to load when you create a new application, or access a draft application you have already created to review or modify it, particularly if the applicant has a large number of ownership entries. To avoid technical complications, do not click the link more than once while waiting for the application.

¹² See 47 CFR § 1.2105.

Submit. On the *Applicant Information* screens, you will provide basic information about the applicant, including its legal classification, contact information, responsible party (if applicable), authorized bidders, method of bidding, and whether the applicant is claiming eligibility for certain types of bidding credits. The *License Area Selection* screens are where you will select the license areas on which the applicant may wish to bid and indicate whether the applicant is qualified and intends to bid on reserved spectrum.¹³ The *Agreements* screens are where you will identify and provide a brief description of each agreement entered into by the applicant that is required to be disclosed under the Commission's rules. The *Ownership* screens are where you will provide information regarding parties with ownership or controlling interests in the applicant. The *Summary* screen provides an overview of an applicant's FCC Form 175 that facilitates reviewing and modifying specific information as well as an automated check for certain inconsistencies and omissions in information in the application. Finally, the *Certify & Submit* screens allow you to provide the required certifications and submit the application to the Commission. You may access any of these screens by clicking on the relevant section in the right window pane titled "Application Sections." To expand a group of screens, click on the sideward-pointing triangle to the right of the section title. By clicking on the relevant section, the application will jump directly to that section. Items are shown as clickable in the application when the cursor turns into a hand icon as the mouse indicator passes over a particular area.

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

10. No individual or entity may file more than one FCC Form 175 in Auction 1002 or have a controlling interest in more than one Auction 1002 applicant.¹⁴ Accordingly, if multiple applications are filed by applicants with overlapping controlling interests, only one of the applications can be found to be complete when reviewed for completeness and compliance with the Commission's rules.¹⁵

11. You must follow the instructions below when completing the FCC Form 175. Additional help in filling out the FCC Form 175 is available in two ways through the Auction System itself: (1) by clicking on the **Help** link located in each section of the application and in the upper right corner of each screen, which will open Auction Application Online Filing Help; or (2) by clicking on the text of any **Common Questions** link appearing on the right side of the screen. The common questions displayed relate to the screen being viewed and may differ from screen to screen because the common questions are intended to be relevant to each specific screen. In the event that you need further information or guidance beyond what is provided by these sources, use the contact information provided in this Public Notice and

¹³ Spectrum blocks will be available in Partial Economic Areas (PEAs) in Auction 1002.

¹⁴ See 47 CFR § 1.2105(a)(3).

¹⁵ See *id.* § 1.2105(a)(3), (a)(4)(i), (b)(1)(ii); *Auction 1000 Application Procedures Public Notice*, 30 FCC Rcd at 11064–65, para. 96 n.158; *Updating Part 1 Competitive Bidding Rules; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions; Petition of DIRECTV Group, Inc. and EchoStar LLC for Expedited Rulemaking to Amend Section 1.2105(a)(2)(xi) and 1.2106(a) of the Commission's Rules and/or for Interim Conditional Waiver; Implementation of the Commercial Spectrum Enhancement Act and Modernization of the Commission's Competitive Bidding Rules and Procedures*, Report and Order, Order on Reconsideration of the First Report and Order, Third Order on Reconsideration of the Second Report and Order, and Third Report and Order, 30 FCC Rcd 7493, 7581–82, paras. 209–10 (2015) (*Part 1 Report and Order*) (modified by Erratum (rel. Aug. 25, 2015)). Under a limited exception to the general prohibition on the filing of multiple applications by commonly-controlled entities, a qualified rural wireless partnership and its individual members will be permitted to participate separately in an auction. See 47 CFR § 1.2105(a)(3).

in the *Auction 1000 Application Procedures Public Notice* to obtain additional assistance.¹⁶ You may also access the Auction 1002 tutorial regarding the pre-auction application process, which is available on the Auction 1002 website (www.fcc.gov/auctions/1002). The interactive tutorial is designed to help familiarize potential applicants with accessing and navigating the Auction System as well as completing an FCC Form 175.

1. Applicant Information

12. The *Applicant Information* screens are the first series of screens in FCC Form 175, in which an applicant must provide basic information including:

- the applicant's legal classification (e.g., individual, corporation, general partnership, etc.)
- whether the applicant, or any member of the applicant, is a qualifying rural wireless partnership,¹⁷ and if so, the type and name of the members of the qualifying rural wireless partnership
- optional information regarding the applicant's status as a minority- or woman-owned business or a rural telephone company
- the applicant's name, which will be used as the bidder name during the auction¹⁸
- citizenship for individuals or jurisdiction of formation for legal entities
- the applicant's address (physical location; a P.O. Box is **not** permitted)
- for applicants classified as legal entities (e.g., corporations and partnerships), the name, title, and contact information of the applicant's responsible individual¹⁹
- the name, address, telephone and fax number, and e-mail address of a contact person who will communicate with the Commission regarding the applicant's FCC Form 175²⁰
- the names, telephone numbers, and e-mail addresses of up to three persons authorized to bid for the applicant in the auction²¹
- the applicant's preference for electronic or telephonic bidding²²
- whether the applicant claims eligibility for certain types of bidding credits and the percentage claimed²³

Each screen will specify the information that the applicant must provide.

¹⁶ See *Auction 1000 Application Procedures Public Notice*, 30 FCC Rcd at 11093–94, para. 188.

¹⁷ See 47 CFR § 1.2105(a)(3).

¹⁸ See *id.* § 1.2105(a)(2)(ii)(A).

¹⁹ Section 1.2105(a)(2) requires that the name and title of an officer or director be reported if the applicant is a corporation. This rule requires disclosure of the name and title of a responsible person if a partner is not a natural person. *Id.* § 1.2105(a)(2).

²⁰ Commission staff will communicate only with an applicant's contact person or certifying official, as designated on the applicant's FCC Form 175, unless the applicant's certifying official or contact person notifies the Commission in writing that the applicant's counsel or other representative is authorized to speak on its behalf. Authorizations may be sent by e-mail to auction1002@fcc.gov. A fax number is required for a variety of purposes, including faxing confirmation information in the event an applicant utilizes telephonic bidding.

²¹ See 47 CFR § 1.2105(a)(2)(iii).

²² Electronic bidding will be available via the Internet in the Auction System. Applicants that become qualified bidders will be provided the telephone number for telephonic bidding as an option.

²³ See 47 CFR § 1.2105(a)(2)(iv).

a. Applicant Legal Classification

13. On the *Legal Classification* screen, you must indicate the applicant's legal classification before continuing to subsequent screens because the legal classification will determine which subsequent screens will appear. For example, an applicant registering as an "Individual" will enter information that is different from the information that an applicant registering as a "Corporation" will enter. If you select "Other," a text box will open in which you must describe the applicant's legal classification.²⁴

b. Qualifying Rural Wireless Partnerships

14. You must indicate on the *Legal Classification* screen whether the applicant, or any member of the applicant (in the case of a joint venture or consortium), is a qualifying rural wireless partnership or a qualifying rural wireless partnership member that claims the exception provided in Section 1.2105(a)(3) of the Commission's rules to the general prohibition on the filing of multiple applications by commonly-controlled entities.²⁵ If the applicant is a qualifying rural wireless partnership or a member of a qualifying rural wireless partnership, information about each member of the partnership, including the type of member (i.e., entity or individual) and the member's name, must be provided. To add additional members to the qualifying rural wireless partnership, select the member type, enter the appropriate information, and click the **ADD MEMBER** button.²⁶ Each entity or individual member of a given partnership must be identified by its legal name.

c. Applicant Status Information

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

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

d. Applicant Name and Applicant Address

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

e. Responsible Party and Contact Information

18. The screen that appears after the *Applicant Name/Applicant Address* screen will depend on which legal classification you selected on the *Applicant Legal Classification* screen. For example, if you selected "Individual" or "General Partnership" on the *Applicant Legal Classification* screen, you will be directed to the *Contact Information/Contact Address* screen, where you will be required to provide

²⁴ For any text box in which the applicant can or is required to enter information, you should **not** use any non-ASCII characters or select ASCII characters.

²⁵ See 47 CFR § 1.2105(a)(3).

²⁶ As suggested above, click the **ADD MEMBER** button only once per additional member to be added to the rural wireless partnership's application to reduce the potential for technical complications.

contact information for an individual that will be sent all correspondence concerning the application. If you selected any other entity type on the *Applicant Legal Classification* screen, you will first be directed to the *Responsible Party* screen, where you will be required to provide information for an individual deemed to be the responsible party for the application. If you selected “Corporation” on the *Applicant Legal Classification* screen, you will be required to provide the name, but not address information, for the applicant’s responsible party. After completing the *Responsible Party* screen, you will be directed to the *Contact Information/Contact Address* screen.

19. To simplify filling out the FCC Form 175, an applicant that has the same address as its contact person or responsible party can click on the **COPY APPLICANT ADDRESS** button to automatically fill in the contact person’s or responsible party’s address.²⁷ A P.O. Box may **not** be used for a contact person’s or responsible party’s address. After completing the contact person’s or responsible party’s name and address information, click the **SAVE & CONTINUE** button.

f. Authorized Bidders

20. You must provide the name, phone number, and e-mail address for each of the authorized bidders who are authorized to place bids for the applicant in the auction. You must identify at least one authorized bidder for the applicant, and no more than three.²⁸ After completing the necessary information for each authorized bidder, you must click the **ADD** button to save the authorized bidder information you have entered.²⁹ While an applicant may change its authorized bidders at a later date, only those bidders listed on its FCC Form 175 will be authorized to place bids for the applicant during the auction.

21. An individual may not serve as an authorized bidder for more than one application in the same auction.³⁰ Each authorized bidder listed on the applicant’s FCC Form 175 will receive a designated SecurID[®] token, which it will use to place bids for the applicant during the forward auction, along with instructions on how to use them.³¹

g. Electronic or Telephonic Bidding

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

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

2. Designated Entity Bidding Credit Eligibility

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

²⁷ The **COPY APPLICANT ADDRESS** button is not available if the applicant’s location is in a country outside of the United States.

²⁸ See *Auction 1000 Application Procedures Public Notice*, 30 FCC Rcd at 11045, para. 28.

²⁹ As suggested above, you should click the **ADD** button only once when adding an authorized bidder to reduce the potential for technical complications.

³⁰ See 47 CFR § 1.2105(a)(2)(iii).

³¹ See *Tokens Public Notice*, DA 15-1428 at 4.

button to proceed to the next screen. If you select “Yes” to the question of whether the applicant is seeking a designated entity bidding credit, you will be asked to select which type of bidding credit the applicant is seeking.

25. There are two types of designated entity bidding credits available in Auction 1002: small business bidding credits and a rural service provider bidding credit.³² The applicant may assert eligibility for either a small business bidding credit or a rural service provider bidding credit, but not both. If you change the type of bidding credit the applicant is seeking while completing the application, any applicant revenue or subscriber information that has previously been entered on the FCC Form 175 will be deleted. When all of the bidding credit information for the type of credit requested has been entered, click the **SAVE & CONTINUE** button.

a. Small Business Bidding Credit

26. To assert eligibility for a 15 percent small business bidding credit in Auction 1002, an applicant must have average annual gross revenues, including attributable interests, for the preceding three years that exceed \$20 million and do not exceed \$55 million.³³ To assert eligibility for a 25 percent very small business bidding credit, an applicant must have average annual gross revenues, including attributable interests, for the preceding three years that do not exceed \$20 million.³⁴ Gross revenues include all income received by an entity, whether earned or passive, before any deductions are made for the cost of doing business. Small business bidding credits are not cumulative; an eligible applicant will receive either the 15 percent or the 25 percent bidding credit on its winning bid, but not both.

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

b. Rural Service Provider Bidding Credit

28. An eligible rural service provider may claim a 15 percent rural service provider bidding credit.³⁵ An applicant seeking a rural service provider bidding credit will be asked to indicate on the *Designated Entity Bidding Credit Eligibility* screen that it meets the criteria to qualify for a rural service provider bidding credit. The applicant must also enter on the *Designated Entity Bidding Credit Eligibility* screen the applicant’s total number of combined wireless, wireline, broadband, and cable subscribers. An applicant that is applying as a consortium or an existing rural partnership should enter “0” in the “Number of Subscribers” field on FCC Form 175 if it (i.e., the consortium or the partnership) does not itself have any of its own subscribers.

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

³² There is a cap on the total amount of bidding credit that an eligible small business or rural service provider may be awarded in any particular auction, including Auction 1002. See 47 CFR § 1.2110(f)(2)(ii), (f)(4)(ii); see also *Part 1 Report and Order*, 30 FCC Rcd at 7541, para. 114, 7544, para. 122, 7546, para. 127; *Auction 1000 Application Procedures Public Notice*, 30 FCC Rcd at 11075, para. 125.

³³ See 47 CFR § 27.1301(a)(1); see also 47 CFR § 1.2110(f)(2)(i)(C).

³⁴ See *id.* § 27.1301(a)(2); see also 47 CFR § 1.2110(f)(2)(i)(C).

³⁵ See *id.* § 1.2110(f)(4)(i).

30. You must also indicate on the *Designated Entity Bidding Credit Eligibility* screen whether the applicant, or any member of the applicant (in the case of a consortium), is an existing rural partnership within the meaning of Section 1.2110(f)(4)(i)(C)(2) of the Commission's rules whose individual members' subscribers are not required to be aggregated and attributed to the applicant.³⁶ If you assert the applicant's eligibility for this exception by selecting "Yes" to the question, you must upload an attachment that lists each member of the existing rural partnership and provide a brief description of the applicant's eligibility to claim the exception by virtue of the rural partnership. You must select "Rural Partnership" as the attachment "Type" when uploading this attachment. The procedure for uploading this required attachment is described below in Section I.C.8.

3. License Area Selection

31. The *License Area Selection* screens make up the second series of screens in the FCC Form 175. On these screens, you will identify the license area(s) on which the applicant may wish to bid during the auction, and select and certify the particular license area(s) for which it is eligible to bid on reserved spectrum.

a. Select License Area(s)

32. The *Select License Area(s)* screen provides a list of all available license areas in the forward auction. You can navigate through these license areas by clicking the individual page links or the **Previous** and **Next** links at the bottom of the screen below the list of available license areas. To display license areas matching specific search criteria, you can use the **Search** text box to narrow down the available license areas displayed based on license area name, license description, or bidding units. To display more or fewer license areas on this screen, click the **Show Entries** drop down box displayed above the available license area list and select the number of license areas to show per screen.

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

34. An applicant cannot submit its FCC Form 175 until it selects and saves at least one license area. While an applicant is not obligated to bid on any or all of the license areas selected, it will not be able to bid on any license area that has not been selected on its FCC Form 175.³⁷ An applicant's license area selections cannot be changed after the initial filing window has closed. Therefore, during the initial filing window, it is important to carefully review the applicant's license area selections to make sure all areas on which the applicant may wish to bid have been selected.

35. Saved license areas can be removed by (1) clicking the check box (to uncheck) next to a previously saved license area and then clicking the **SAVE** button; or (2) clicking the **UNSELECT ALL ITEMS** button, which will remove all previously saved license areas. A removed license area will not have the word "Saved" next to the corresponding license area name.

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

b. Select License Area(s) in Which to Bid on Reserved Spectrum and Certify Reserve Eligibility

37. After license areas have been selected and saved, you will be directed to the *Select License Area(s) in Which to Bid on Reserved Spectrum and Certify Reserve Eligibility* screen, which lists

³⁶ See 47 CFR § 1.2110(f)(4)(i)(C)(2); see also *id.* § 1.2110(f)(4)(i)(C)(1).

³⁷ See *id.* § 1.2105(a)(2)(i).

all of the license areas that were selected and saved on the *Select License Area(s)* screen. From the license areas listed on the *Select License Area(s) in Which to Bid on Reserved Spectrum and Certify Reserve Eligibility* screen, select those on which the applicant wishes to bid on reserved spectrum.

38. An applicant is not required to bid on, or certify eligibility for, reserved spectrum in any or all license areas in which it is eligible. However, by selecting a license area from those listed, the applicant certifies that it is eligible for reserved spectrum block(s) in that area. An applicant can qualify to bid on reserved spectrum by either: (1) holding an attributable interest in less than 45 megahertz of below-1-GHz spectrum in a given license area; or (2) being a non-nationwide provider.³⁸ If a member of a long-standing rural partnership wishes to assert qualification to bid on reserved spectrum in a license area on the basis of status as a non-nationwide provider, notwithstanding attributable relationships with AT&T, Verizon, Sprint, or T-Mobile, the applicant should submit an attachment to the FCC Form 175 certifying and detailing how the applicant meets the circumstances specified by the Commission to secure status as a non-nationwide provider for purposes of qualifying to bid on reserved spectrum.³⁹ Be sure to select “Reserve Eligibility” as the attachment “Type” when uploading this attachment. The procedure for uploading this attachment is described below in Section I.C.8.

39. To select and save a license area in which the applicant wishes to bid on reserved spectrum, (1) select the check box under the “Select Reserve Eligibility” column next to the desired license area and then click the **SAVE** button; or (2) click the **SELECT ALL AS RESERVE ELIGIBLE** button, which will select and save all available spectrum blocks. Once you have successfully saved a license area, the word “Saved” will appear in the “Select Reserve Eligibility” column.

40. An applicant’s selection to bid on reserved spectrum in a license area can be removed by (1) selecting the check box (to uncheck) next to a previously saved license area and then clicking the **SAVE** button; or (2) clicking the **UNSELECT ALL AS RESERVE ELIGIBLE** button, which will remove all previously saved license areas. A removed license area will not have the word “Saved” next to the license area name.

41. You may view all saved reserved spectrum selections by clicking the individual page links or the **Previous** and **Next** links at the bottom of the screen below the list of available license areas. Once you have saved the applicant’s selected license areas, click the **SAVE & CONTINUE** button.

42. An applicant should make its selections to bid on reserved spectrum carefully; an applicant will not be able to change either the license areas in which it has indicated it wishes to bid on reserved spectrum or its certification of its eligibility to bid on reserved spectrum in those areas after the initial application filing deadline.

c. View Saved License Area(s)

43. After the license areas have been selected and saved, you will be directed to the *View Saved License Area(s)* screen. This screen lists all the license areas that have been selected and saved for the auction as well as the applicant’s reserve eligibility certifications for each selected license area. You may print the list of selected license areas by clicking the **PRINT** button or view the list in .pdf format by clicking the **PDF** button. After the applicant has confirmed the accuracy of the information on the *View Saved License Area(s)* screen, click the **CONTINUE** button.

³⁸ See *Auction 1000 Bidding Procedures Public Notice*, 30 FCC Rcd at 9063, para. 172.

³⁹ See *id.* at 9064, para. 175; *Auction 1000 Application Procedures Public Notice*, 30 FCC Rcd at 11068, paras. 106-107.

4. Agreements

44. The *Agreements* screens are the third series of screens in FCC Form 175. On these screens, you will provide information regarding the applicant's auction-related agreements subject to disclosure under the Commission's rules.⁴⁰

45. On the *Agreements with Other Parties and Joint Bidding Arrangements* screen, you must respond "Yes" or "No" to whether the applicant has entered into any partnerships, joint ventures, consortia, or other agreements, arrangements or understandings of any kind relating to the licenses being auctioned, including any agreements that address or communicate directly or indirectly bids (including specific prices), bidding strategies (including the specific license on which to bid or not to bid), or the post-auction market structure, to which the applicant, or any party that controls or is controlled by the applicant, is a party.⁴¹

46. If you select "No," you will be directed to the *Ownership* series of screens, described below in Section I.C.5, after clicking the **SAVE & CONTINUE** button. If you select "Yes," you will be directed to the *View/Edit Agreements* screen after clicking the **SAVE & CONTINUE** button.

47. On the *View/Edit Agreements* screen, you must make an entry for each agreement you need to disclose by clicking the **CREATE NEW AGREEMENT** button. On the *Create New Agreement* screen, you must provide an identifying name and agreement type. The agreement identifier can be a brief description of the agreement or a simple reference name; however, each agreement identifier must be unique. If the agreement type is not listed as an option under the drop down list, select "Other" and enter a description in text box that subsequently appears. Neither the name of the agreement nor its description should indicate license selection or potentially reveal an applicant's bidding strategy. You must also identify the parties, other than the applicant, to each agreement disclosed on the application, and indicate the type of party (i.e., entity or individual). You may provide an FRN for the other party to the agreement, if available.⁴² After completing the necessary information for each party, you must click the **ADD** button to save the information.

48. Additional parties can be added by selecting the type of party, entering the applicable information, and clicking the **ADD PARTY** button.⁴³ The **Clear** link can be used to cancel a party type selection clicked in error. After adding a particular party, the name of that party and its associated FRN can be edited by clicking the **EDIT** button or be deleted from the form by clicking the **REMOVE** button. After identifying all parties to any particular agreement(s), click the **SAVE & CONTINUE** button.

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

- Click the **EDIT** button to modify agreement information;

⁴⁰ 47 CFR § 1.2105(a)(2)(viii).

⁴¹ See *id.* § 1.2105(a)(viii). The Commission's rules now generally prohibit joint bidding and other arrangements involving auction applicants (including any party that controls or is controlled by, such applicants). See 47 CFR § 1.2105(a)(ix). An applicant has the option of explaining in an attachment why a particular agreement, understanding, or arrangement is not prohibited by Commission rules. For more information regarding agreement disclosure requirements and joint bidding arrangements/agreements, applicants should review the *Part 1 Report and Order*, the *Auction 1000 Application Procedures Public Notice*, and the public notice providing guidance on prohibited communications rules for Auction 1000. See *Guidance Regarding the Prohibition of Certain Communications During the Incentive Auction, Auction 1000*, Public Notice, 30 FCC Rcd 10794 (WTB 2015) (*Prohibited Communications Public Notice*).

⁴² While providing the FRN is optional, including that information may prevent identification errors resulting from parties having similar names or a single party using multiple names.

⁴³ As suggested above, you should click the **ADD** button only once when adding a party to an agreement to reduce the potential for technical complications.

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

50. An applicant that has entered into any agreement(s) that are subject to disclosure under the Commission’s rules must also upload an attachment that briefly describes each such agreement. You must select “Agreement” as the attachment “Type” when uploading the document. The procedure for uploading this required attachment is described below in Section I.C.8.

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

5. Ownership

52. The *Ownership* screens are the fourth series of screens in the FCC Form 175. On these screens, you must provide information regarding parties with ownership or controlling interests in the applicant that must be disclosed pursuant to Commission rules.⁴⁴

53. Sections 1.2105 and 1.2112 of the Commission’s rules list the disclosable interest holders (“DIHs”) in the applicant that must be reported in FCC Form 175. These DIHs in the applicant include any individual or entity that directly or indirectly owns and/or controls the applicant, such as:

- any party holding 10 percent or more of stock in the applicant, whether voting or non-voting, common or preferred, including the specific amount of the interest or percentage held;
- in the case of a limited partnership, each limited partner whose interest in the applicant is 10 percent or greater;
- in the case of a general partnership, each partner and its share in the partnership;
- in the case of a limited liability company, each member whose interest in the applicant is 10 percent or greater; and
- all parties holding indirect ownership interests in the applicant that equals 10 percent or more of the applicant as discussed below.⁴⁵

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

54. Section 1.2112 lists the FCC-regulated business entities or applicants for an FCC license (“FRBs”) that must be disclosed in FCC Form 175.⁴⁶

55. As more fully discussed below, pursuant to Section 1.2110 of the Commission’s rules, an applicant requesting a bidding credit must also (1) disclose information on any DIH that has an agreement with the applicant to use more than 25 percent of the spectrum capacity of any license that may be won in the auction;⁴⁷ (2) disclose its affiliates;⁴⁸ and (3) report revenues or subscribers (as applicable based on the

⁴⁴ 47 CFR §§ 1.2105(a)(2)(ii)(A)-(B), 1.2110, 1.2112.

⁴⁵ Section 1.2105 requires the disclosure on the auction application of applicant ownership information as set forth in Section 1.2112. *Id.* §§ 1.2105, 1.2112.

⁴⁶ *See id.* § 1.2112(a)(7), (b)(1)(ii).

⁴⁷ *See id.* § 1.2110(c)(2)(ii)(J).

type of credit requested) for itself, its affiliates, its controlling interests, and the affiliates of its controlling interests.⁴⁹

a. Information Already on File with the Commission

56. Some applicants may have previously filed an FCC Form 602 ownership report or an FCC Form 175 auction application in which ownership information was disclosed. To simplify filling out the FCC Form 175, an applicant's most current ownership information on file with the Commission will automatically be entered into the applicant's forward auction application, if it is in a compatible electronic format that is compatible with the applicant's forward auction application (such as information submitted in an online FCC Form 602 or in an FCC Form 175 filed for a previous auction using the Auction System). Any attachments associated with an applicant's previously-filed FCC Form 602 or FCC Form 175, such as an attachment describing indirect ownership information, will also be imported into the applicant's forward auction application as an attachment.

57. Each applicant is responsible for ensuring that the information submitted in its FCC Form 175 is complete and accurate. You must carefully review any information that may have been automatically pre-filled into the application to confirm that all information is complete and accurate as of the deadline for submitting applications for Auction 1002. Any previously-filed ownership information that is imported into an applicant's FCC Form 175 must be corrected directly in the FCC Form 175 fields. The Auction System will not, however, permit you to edit any ownership attachment(s) that have been imported into the applicant's FCC Form 175; therefore, if you find inaccuracies in any imported attachment, delete the imported attachment and upload a new attachment that contains the applicant's current/updated ownership information. After the deadline for filing forward auction applications, the ownership information provided in an applicant's submitted FCC Form 175 (including any attachments) will be considered to be the applicant's most current information on file with the Commission for Auction 1002.

b. View/Edit Ownership Disclosure Information

58. The first ownership-related screen is the *View/Edit Ownership Disclosure Information* screen, which summarizes any ownership information already entered in the FCC Form 175, either automatically from compatible ownership information on file with the Commission (e.g., from a previously-filed FCC Form 602 or FCC Form 175) or directly by the applicant. If the applicant is seeking a bidding credit, the *View/Edit Ownership Disclosure Information* screen will also display any revenue or subscriber information entered by the applicant based on the type of bidding credit it selected in the application.⁵⁰

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

60. To add a new DIH, FRB, or an affiliate (if applicable), click on the relevant **ADD** button. Each screen will specify the information that the applicant must provide. Once all ownership information

(Continued from previous page) _____

⁴⁸ See *id.* §§ 1.2110, 1.2112(b).

⁴⁹ See *id.* §§ 1.2110(b), (f)(4), 1.2112(b).

⁵⁰ If the applicant asserts eligibility for a bidding credit, the *View/Edit Ownership Disclosure Information* screen will aggregate the revenues (if seeking a small business bidding credit) or subscribers (if seeking a rural service provider bidding credit) of all the DIH(s) and affiliate(s) disclosed by the applicant. A warning message will display on the *Error Summary* screen if the aggregate number of average annual gross revenues (if seeking a small business bidding credit) exceeds the revenue range selected on the *Designated Entity Bidding Credit Eligibility* screen or if the aggregate number of subscribers exceeds 249,999 (if seeking a rural service provider bidding credit).

that has been entered has been confirmed as accurate on the *View/Edit Ownership Disclosure Information* screen, click the **CONTINUE** button.

c. Ownership Disclosures Required of All Applicants

61. All applicants, regardless of whether they are seeking a bidding credit, must provide information in their FCC Form 175 applications concerning their DIHs and FRBs.⁵¹

(i) Adding Disclosable Interest Holders

62. To add a DIH, click on the **ADD** button on the *View/Edit Ownership Disclosure Information* screen, which will direct you to the *Add Disclosable Interest Holder* screen. You must make a DIH entry for any individual or entity required to be disclosed under Section 1.2112 of the Commission's rules.⁵² On this screen and subsequent screens, you must provide information about the type of DIH (i.e., entity or individual), contact information for the DIH, type of interest the DIH has in the applicant, percent of interest held in the applicant,⁵³ and the DIH's jurisdiction of formation (for an entity) or citizenship (for an individual). You have the option of providing the FRN of a DIH; an FRN entry is not required.

63. If you enter one or more DIHs with indirect ownership interest(s) in the applicant on the *Add Disclosure Interest Holder Type* screen,⁵⁴ you must include for each such DIH an attachment describing the relationship between the indirect interest holder(s) and the applicant. The attachment should provide an overview of the ownership chain that links the indirect owner(s) to the applicant, e.g., indirect owners X and Z own 50 percent of holding company Y and holding company Y owns 100 percent of the applicant.⁵⁵ You should provide only one attachment connecting all indirect owners to the applicant. The information in the attachment should be consistent with the information already provided in the data fields of the FCC Form 175. Select "Indirect Ownership" as the attachment "Type" when uploading this attachment. The procedure for uploading this required attachment is described below in Section I.C.8.

64. The "Percent of Interest Held in Applicant" should reflect the DIH's aggregate ownership interests in the applicant (both direct and indirect). In some cases, e.g., circumstances where there is joint ownership or indirect ownership resulting in different owners sharing the same ownership interests, the sum of all the percentages held by DIHs may exceed 100 percent. In other cases, a DIH may have a zero percent ownership interest in the applicant.⁵⁶

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

⁵¹ See 47 CFR §§ 1.2105(a)(2)(ii)(A)-(B), 1.2112.

⁵² *Id.* § 1.2112.

⁵³ If the DIH holds an ownership interest that is not listed on the screen (e.g., another type of option or debt securities), select "Other" and enter the DIH's interest(s) in the "Specify" field accordingly.

⁵⁴ 47 CFR § 1.2112(a)(6).

⁵⁵ *Id.*

⁵⁶ For example, officers and directors of an applicant seeking a bidding credit would be DIHs but may not have an ownership interest in the applicant.

you have made any necessary FRB entries for each DIH and have confirmed the accuracy of all of the information on the *Information for DIH* screen, click the **CONTINUE** button to save the information.

(ii) Adding FCC Regulated Businesses

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

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

68. To simplify filling out the FCC Form 175, you can click on the **Select Entities Already Entered** link on the *Add FCC Regulated Business of Applicant* or *Add FCC Regulated Business of DIH* screens, respectively, when disclosing an FRB previously entered as an FRB for the applicant or another DIH. When doing so, be sure to enter the “Percent of Interest Held” in the FRB by the applicable party (either the applicant or the DIH).

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

d. Additional Ownership Disclosures and Information Required of Applicants Seeking a Small Business Bidding Credit

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

(i) Disclosures Related to Spectrum Use Agreements

71. An applicant seeking a small business bidding credit must make a DIH entry for any individual or entity with a ten percent or greater interest of any kind in the applicant that uses, or has an agreement to use, in any manner, on a license-by-license basis, more than 25 percent of the spectrum capacity of any license that may be won by the applicant in Auction 1002.⁵⁷

72. After entering general DIH information (e.g., type of DIH, contact information, etc.) for a particular DIH on the *Add Disclosable Interest Holder* screens, you will be directed to the *Revenues Attributable to DIH* screen. On this screen, you will be asked to respond “Yes” or “No” to whether the DIH uses, or has an agreement to use, on a license-by-license basis, more than 25 percent of the spectrum capacity of any blocks in any license area(s) selected in the application.⁵⁸ If you respond “Yes” to this question, you must submit an attachment that lists the parties to, and the particular license area(s) that are the subject of, any such spectrum use agreement(s). You must select “Spectrum Use” as the attachment “Type” when uploading the attachment.⁵⁹ The procedure for uploading this required attachment is described below in Section I.C.8.

⁵⁷ See 47 CFR § 1.2110(c)(2)(ii)(J).

⁵⁸ For purposes of this question, a DIH is any individual or entity holding a 10 percent or greater interest of any kind in the designated entity including, but not limited to, stock warrants, options or debt securities. See *id.*

⁵⁹ Consistent with the limited information procedures in place for Auction 1002, the Bureau intends to withhold from public disclosure all information contained in any such attachment until after the close of the auction.

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

(ii) Adding Affiliates

74. An applicant seeking a small business bidding credit must disclose its affiliates in its FCC Form 175 if any have not been disclosed as a DIH.⁶⁰ The definition of “affiliate” encompasses both controlling interests of the applicant and affiliates of controlling interests of the applicant.⁶¹

75. To add controlling interests, affiliates, and affiliates of controlling interests, click on the **ADD** button in the *View/Edit Ownership Disclosure Information* screen, which will direct the applicant to the *Add Affiliate* screen. On the *Add Affiliate* screen, you will be required to provide the type of affiliate (i.e., entity or individual), the name of the affiliate, and the affiliate’s principal business.⁶² In those instances where a controlling interest or an affiliate of a controlling interest is not a DIH, information regarding any such individual or entity should be disclosed in the *Add Affiliate* screen.

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

(iii) Reporting Gross Revenues

77. An applicant seeking a small business bidding credit must disclose separately, and in the aggregate, the gross revenues for the preceding three years for the applicant, its affiliates, its controlling interests, and the affiliates of its controlling interests, as well as for any DIH that has an agreement to use, on a license-by-license basis, more than 25 percent of the spectrum capacity of any license area(s) selected in the application.⁶³ If the applicant is a consortium of small businesses, this information must be provided for each member comprising the consortium.⁶⁴

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

79. On the next screen, the *Add Revenue Information for Applicant* screen, indicate which of the two sources of financial information authorized by Section 1.2110(o) the applicant used for its revenue information (either audited financial statements or financial statements prepared in accordance with Generally Accepted Accounting Principles (GAAP)⁶⁵ that are certified as accurate by the applicant’s chief financial officer or equivalent).⁶⁶

⁶⁰ See 47 CFR § 1.2110(c)(5).

⁶¹ *Id.*

⁶² To simplify filling out the FCC Form 175, the applicant can click on the **Select Entities or Individuals Already Submitted** link when entering an affiliate that previously was entered as an FRB or a DIH.

⁶³ *Id.* §§ 1.2110(b)(1)(i), 1.2112(b)(1)(iv), 1.2110(c)(2)(ii)(J).

⁶⁴ *Id.* § 1.2112(b)(1)(vi).

⁶⁵ These accounting principles and procedures are authoritative standards set by policy boards and used to compile financial statements. If a financial statement has not been audited, at a minimum, the financial statement must conform to Generally Accepted Accounting Principles.

⁶⁶ 47 CFR § 1.2110(o).

80. *Gross Revenues for DIHs.* As noted above, after clicking the **SAVE & CONTINUE** button on the *Revenues Attributable to DIH* screen, you will be directed to the *Add/Edit Revenue Information for DIH* screen. On this screen, you may provide revenue information for each DIH. Enter the DIH's gross revenues for the three preceding years and indicate the year end date for which the revenues apply.⁶⁷ If the DIH and any predecessors-in-interest were not in existence for a full year of the relevant period, click the check box to indicate that fact. Revenue information need **not** be provided if the DIH is not an affiliate of the applicant, a controlling interest of the applicant, or an affiliate of a controlling interest of the applicant. To report that no revenue information needs to be disclosed, check the box at the top of the *Add/Edit Revenue Information for DIH* screen indicating that no revenue information will be provided for this particular DIH.⁶⁸ **If the DIH is an individual or entity that is required to disclose revenue information, you should not check this box even if gross revenues are zero for the relevant time period. In such a situation, you should instead enter "0" in the revenue field for each relevant time period.**

81. An applicant will be exempt from attribution of gross revenues of an affiliate or a controlling interest in the applicant if such entity meets all of the conditions set forth in Section 1.2110(b)(4)(iii) of the Commission's rules for eligible rural telephone cooperatives.⁶⁹ **If an applicant claims that it (or its controlling interest) is an eligible rural telephone cooperative within the meaning of Section 1.2110(b)(4)(iii) of the Commission's rules, you should not check the box indicating that the DIH is not an affiliate or a controlling interest. You should instead check the box indicating that the DIH is an eligible telephone rural cooperative whose gross revenues are exempt from attribution to the applicant.** You must also provide in an attachment to the FCC Form 175 an affirmative statement that the applicant, affiliate, and/or controlling interest is an eligible rural telephone cooperative within the meaning of Section 1.2110(b)(4)(iii) and supply any additional information as may be required to demonstrate eligibility for the exemption from the attribution rule.

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

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

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

⁶⁷ A consistent year-end date is required for all gross revenue entries in order to determine average gross revenues for multiple preceding years. The Commission's rules do not allow an applicant to reduce the amount calculated as its aggregate average gross revenues by reporting revenues for less than a one-year period.

⁶⁸ Compare 47 CFR § 1.2110(c)(2) (defining controlling interests) and (c)(5) (defining affiliate) with *id.* § 1.2112(a) (describing disclosable interest holders). You should not, however, check this box for this DIH if you answer "Yes" to the question of whether this DIH uses, or has an agreement to use, on a license-by-license basis, more than 25 percent of the spectrum capacity of any blocks in any license area(s) selected in the application. See *id.* § 1.2110. A warning message will display on the *Error Summary* screen discussed below if you check this box and also indicates that the applicant has a spectrum use agreement with a DIH for the use of more than 25 percent of the spectrum capacity.

⁶⁹ *Id.* § 1.2110(b)(4)(iii).

85. *Gross Revenues Confirmation.* Once you have finished entering all gross revenue information for the applicant, its affiliates, its controlling interests, the affiliates of its controlling interests, and any DIH that has an agreement to use more than 25 percent of the spectrum capacity of any blocks in any license area(s) selected in the application, you will need to confirm on the *Gross Revenues Confirmation* screen whether the applicant has provided revenue information with respect to each party for which revenue information is required: (1) the applicant; (2) each of the applicant's officers and directors; (3) each of the applicant's other controlling interests; (4) each of the applicant's affiliates; and (5) each affiliate of the applicant's controlling interests, including its officers and directors.⁷⁰ To reach the *Gross Revenues Confirmation* screen, click on the **OPEN** button next the "Gross Revenues Confirmation" in the middle of the *View/Edit Ownership Disclosure Information* screen. After making your gross revenues confirmation, click the **SAVE & CONTINUE** button, and you will be directed back to the *View/Edit Ownership Disclosure Information* screen.

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

86. In addition to disclosing its DIHs and FRBs, an applicant seeking a rural service provider bidding credit must provide certain additional information on the *Ownership* screens of the FCC Form 175, including subscriber information for the applicant's DIHs, information about DIHs that have spectrum use agreements with the applicant, and information about its affiliates and their subscribers.

(i) DIH Subscriber Information

87. After entering general DIH information (e.g., type of DIH, contact information, etc.) on the *Add Disclosable Interest Holder* screens, you will be directed to the *Subscribers Attributable to DIH* screen, on which you will enter the total number of combined wireless, wireline, broadband, and cable subscribers for each DIH for which such information is required. If the applicant is a consortium of rural service providers, this information must be provided for each member comprising the consortium.⁷¹ Subscriber information need **not** be provided if the DIH is not an affiliate of the applicant, a controlling interest of the applicant, or an affiliate of a controlling interest of the applicant. To report that no subscriber information will be disclosed, check the box at the top of the screen indicating that no disclosure subscriber information will be provided for this particular DIH.

(ii) Disclosures Related Spectrum Use Agreements

88. An applicant seeking a rural service provider bidding credit must make a DIH entry for any individual or entity with a ten percent or greater interest of any kind in the applicant that uses, or has an agreement to use, in any manner, on a license-by-license basis, more than 25 percent of the spectrum capacity of any license that may be won by the applicant in Auction 1002,⁷² and must provide the subscriber information described above for any such DIH. On the *Subscribers Attributable to DIH* screen, you will be asked to respond "Yes" or "No" to whether the DIH uses, or has an agreement to use, on a license-by-license basis, more than 25 percent of the spectrum capacity of any blocks in any license area(s) selected in the application.⁷³ If you respond "Yes" to the question, you must submit an attachment that lists the parties to, and the particular license area(s) that are the subject of, any such spectrum use agreement(s).⁷⁴ You will also be required to respond to the following additional question(s) on the *Subscribers Attributable to DIH* screen:

⁷⁰ *Id.* §§ 1.2110(b)(1)(i), 1.2112(b)(1)(iv).

⁷¹ 47 CFR § 1.2112(b)(1)(vi).

⁷² *See* 47 CFR § 1.2110(c)(2)(ii)(J).

⁷³ For purposes of this question, a DIH is any individual or entity holding a 10 percent or greater interest of any kind in the designated entity including, but not limited to, stock warrants, options or debt securities. *See id.*

⁷⁴ If you respond "Yes" to the question of whether the DIH uses, or has an agreement to use, more than 25 percent of the spectrum capacity of any blocks in any license area(s) selected in the application, you should **not** check the box

- If you indicate that a DIH has an agreement to use more than 25 percent of the spectrum capacity of any license that may be won by the applicant in Auction 1002, you will be asked whether the attribution of the DIH's subscribers to the applicant causes the applicant to exceed the subscriber threshold to qualify for a rural service provider bidding credit with respect to any license that may be won by the applicant in any license area for which the DIH has such an agreement to use more than 25 percent of the spectrum capacity. If you answer "Yes" to this question, you must specify in an attachment for each license area selected in the application whether attribution of the DIH's subscribers to the applicant causes the applicant to exceed the subscriber threshold to qualify for a rural service provider bidding credit with respect to each such license area.
- If you select "Yes," to the preceding question, you will be asked whether the DIH independently meets the eligibility requirements for claiming a rural service provider bidding credit and if the DIH's spectrum use and any spectrum use agreement(s) the DIH has concerning any license that may be won by the applicant in any license area selected in the application is otherwise permissible under the Commission's rules. If you answer "Yes" to this question, you must submit information in an attachment that demonstrates that the DIH is independently eligible for a rural service provider bidding credit.

89. You must select "Spectrum Use" as the attachment "Type" when uploading any of the above-described required attachments.⁷⁵ The procedure for uploading these attachments is described below in Section I.C.8.

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

(iii) Adding Affiliates

91. An applicant seeking a rural service provider bidding credit must disclose its affiliates in its FCC Form 175⁷⁶ if any are not disclosed as a DIH, and provide the total number of combined wireless, wireline, broadband, and cable subscribers for each affiliate. The definition of "affiliate" encompasses both controlling interests of the applicant and affiliates of controlling interests of the applicant.⁷⁷

92. To add controlling interests, affiliates, and affiliates of controlling interests, click on the **ADD** button in the *View/Edit Ownership Disclosure Information* screen, which will direct you to the *Add Affiliate* screen. On the *Add Affiliate* screen, you will be required to provide the type of affiliate (i.e., entity or individual), the name of the affiliate, the affiliate's principal business, and the number of the affiliate's subscribers.⁷⁸ In those instances where a controlling interest or an affiliate of a controlling interest is not a DIH, information regarding any such individual or entity should be disclosed in the *Add Affiliate* screen. After completing the necessary information for an affiliate, click the **SAVE & CONTINUE** button.

(Continued from previous page) _____

indicating that no subscriber information for that same DIH will be provided. A warning message will display on the *Error Summary* screen if you check both this box and the box indicating that the applicant has a spectrum use agreement with a DIH for the use of more than 25 percent of the spectrum capacity.

⁷⁵ Consistent with the limited information procedures in place for Auction 1002, the Bureau intends to withhold from public disclosure all information contained in any such attachment until after the close of the auction.

⁷⁶ See 47 CFR § 1.2110(c)(5).

⁷⁷ *Id.*

⁷⁸ To simplify filling out the FCC Form 175, you can click on the **Select Entities or Individuals Already Submitted** link when entering an affiliate that previously was entered as an FRB or a DIH.

6. Foreign Ownership

93. Section 310 of the Communications Act requires the Commission to review foreign investment in radio station licenses and imposes specific restrictions on who may hold certain types of radio licenses.⁷⁹ The provisions of Section 310 apply to applications for initial radio licenses, applications for assignments and transfers of control of radio licenses, and spectrum leasing arrangements under the Commission's secondary market rules.⁸⁰

94. Section 310(a) prohibits a foreign government or its representative from holding any radio license.⁸¹ Section 310(b) contains specific restrictions on who can hold a broadcast, common carrier, or aeronautical radio station license. Sections 310(b)(1) and (b)(2) prohibit any alien or representative, and any foreign-organized corporation, respectively, from holding a broadcast, common carrier, aeronautical en route or aeronautical fixed radio station license.⁸² Section 310(b)(3) prohibits foreign individuals, governments, and corporations from owning more than 20 percent of the capital stock of a broadcast, common carrier, or aeronautical radio station licensee.⁸³ Section 310(b)(4) establishes a 25 percent benchmark for investment by foreign individuals, governments, and corporations in U.S.-organized entities that directly or indirectly control a U.S. broadcast, common carrier, or aeronautical radio station licensee.⁸⁴

95. In its 2012 *Foreign Ownership First Report and Order*, the Commission determined that it would forbear from applying the foreign ownership limitations in Section 310(b)(3) to the class of common carrier licensees in which the foreign investment is held in the licensee through U.S.-organized entities that do not control the licensee, to the extent the Commission determines such foreign ownership is consistent with the public interest under the policies and procedures the Commission has adopted for the public interest review of foreign ownership subject to Section 310(b)(4).⁸⁵ In its 2013 *Foreign*

⁷⁹ See 47 U.S.C. § 310 (a), (b).

⁸⁰ See *Review of Foreign Ownership Policies for Common Carrier and Aeronautical Radio Licensees under Section 310(b)(4) of the Communications Act of 1934, as Amended*, Second Report and Order, 28 FCC Rcd 5741, 5747–48, para. 7 (2013) (*Foreign Ownership Second Report and Order*).

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

⁸² See 47 U.S.C. § 310(b)(1), (2); *Foreign Ownership Second Report and Order*, 28 FCC Rcd at 5749, para. 9. The prohibitions in Sections 310(b)(1) and (b)(2) are absolute, and the Commission has no discretion to waive them. As with Section 310(a), these provisions do not bar an alien or representative, or a foreign-organized entity, from holding a controlling ownership interest in a U.S.-organized company that controls the licensee pursuant to the discretionary authority afforded by Section 310(b)(4). See *Foreign Ownership Second Report and Order*, 28 FCC Rcd at 5749, para. 9. For ease of reference, we refer to aeronautical en route and aeronautical fixed radio station licenses as “aeronautical” licenses.

⁸³ See 47 U.S.C. § 310(b)(3); *Foreign Ownership Second Report and Order*, 28 FCC Rcd at 5749, para. 9.

⁸⁴ See 47 U.S.C. § 310(b)(4); *Foreign Ownership Second Report and Order*, 28 FCC Rcd at 5749, para. 9. A foreign individual, government, or entity may own, directly or indirectly, more than 25 percent (and up to 100 percent) of the stock of a U.S.-organized entity that holds a controlling interest in a common carrier or aeronautical radio licensee, unless the Commission finds that the public interest will be served by refusing to permit such foreign ownership. See *Foreign Ownership Second Report and Order*, 28 FCC Rcd at 5749, para. 10. Foreign interests in a U.S.-organized parent that controls the licensee are subject to Section 310(b)(4), not Section 310(b)(3), and the Commission will continue to assess foreign ownership interests subject to Section 310(b)(4) separately from foreign ownership interests subject to Section 310(b)(3). See *Foreign Ownership Second Report and Order*, 28 FCC Rcd at 5749, para. 9 n.31.

⁸⁵ See *Review of Foreign Ownership Policies for Common Carrier and Aeronautical Radio Licensees under Section 310(b)(4) of the Communications Act of 1934, as Amended*, First Report and Order, 27 FCC Rcd 9832 (2012) (*Foreign Ownership First Report and Order*).

Ownership Second Report and Order, the Commission adopted a rule codifying its existing requirement that common carrier licensees subject to Section 310(b)(3) forbearance seek and obtain Commission prior approval before foreign ownership in the subject licensee exceeds 20 percent of its equity interests and/or 20 percent of its voting interests.⁸⁶ The Commission similarly adopted a rule codifying its existing requirement that common carrier and aeronautical radio station licensees seek and obtain prior Commission approval of their U.S. parents' foreign ownership under Section 310(b)(4) before direct or indirect foreign ownership of their U.S. parent companies exceeds the 25 percent statutory benchmark.⁸⁷

96. In keeping with this pre-approval process, an auction applicant is required to certify in its FCC Form 175 that, as of the deadline for filing an application for the forward auction, the applicant is in compliance with the foreign ownership provisions of Section 310 or that it has filed a petition for declaratory ruling requesting Commission approval to exceed the statutory foreign ownership limit or benchmark in Section 310(b) that is pending before, or has been granted by, the Commission.⁸⁸ You should attach to the auction application as an exhibit a copy of the applicant's date-stamped request for declaratory ruling concerning its foreign ownership. If an applicant has received a declaratory ruling from the Commission granting it permission to exceed the applicable foreign ownership limit or benchmark in Section 310(b), you should attach to the auction application an exhibit that identifies the citation(s) of the applicable declaratory ruling(s) by "DA" or "FCC" number, or by the FCC Record citation, if available, as well as the release date of the declaratory ruling, and any other identifying information. You must select "Foreign Ownership" as the attachment type when uploading this attachment. The procedure for uploading this attachment is described below in Section I.C.8. It is not necessary for an applicant to file a request for declaratory ruling concerning its foreign ownership if the applicant attaches to its auction application an exhibit showing that the requested license is exempt from the provisions of Section 310(b)(3) or (b)(4).

97. An applicant's petition for a declaratory ruling to exceed the statutory limit or benchmark in Section 310(b)(3) or (b)(4), respectively, must be granted before any license for which the applicant is a winning bidder may be granted. Potential applicants are encouraged to contact the Commission's staff before filing their auction applications if they have any questions about complying with these requirements.

98. A petition for a declaratory ruling to exceed the foreign ownership restrictions in Section 310(b)(3) or (b)(4) may be filed electronically on the Internet through the International Bureau Filing System ("IBFS").⁸⁹ There is no fee associated with such a filing. For information on filing such a petition through IBFS, see Part 1, Subpart Y of the Commission's rules and the IBFS homepage at www.fcc.gov/international. For information about what must be included in Section 310(b)(3) or (b)(4) petitions for declaratory ruling and how the Commission analyzes foreign ownership issues, see Sections 1.990–1.994 of the Commission's rules,⁹⁰ and the Commission's recent foreign ownership decisions discussed herein. Inquiries regarding compliance with Section 310 of the Communications Act and the filing and processing of petitions for declaratory ruling should be directed to David Krech, Associate Division Chief, Policy Division, International Bureau, at (202) 418-7443 or by e-mail to david.krech@fcc.gov, or to Susan O'Connell, Attorney-Advisor, Policy Division, International Bureau, at (202) 418-1484 or by e-mail to susan.oconnell@fcc.gov.

⁸⁶ See *Foreign Ownership Second Report and Order*, 28 FCC Rcd at 5758–5763, para. 28–37; 47 CFR § 1.990(a)(2). In reviewing a licensee's request to approve a higher level of foreign ownership under the Commission's Section 310(b)(3) forbearance approach, the Commission will apply the same foreign ownership policies and procedures that it applies under Section 310(b)(4). *Id.*

⁸⁷ See 47 CFR § 1.990(a)(1); *Foreign Ownership Second Report and Order*, 28 FCC Rcd at 5758–5763, paras. 28–37.

⁸⁸ See 47 CFR § 1.2105(a)(2)(v), (vi).

⁸⁹ *Id.* § 1.990(b).

⁹⁰ *Id.* §§ 1.990–1.994.

7. Summary

99. The *Summary* screen is the fifth section in FCC Form 175 and summarizes the information provided in the previous screens. This screen will appear prior to the *Certify & Submit* screen, in order to permit you to review all the information entered on previous screens and to provide an opportunity to check for certain inconsistencies or omissions in the information within the FCC Form 175.

100. The *Error Summary* screen lists the six sections of the application and displays error and warning messages, as applicable, for each section. If errors are detected from the previous screens, you can go to the error by clicking on the application section link and then clicking on the section name listed. You will then be able to make any necessary corrections. An error will be removed once it is corrected. When all of the errors have been corrected, click the **CONTINUE TO CERTIFY** button. You will **not** be able to proceed to the *Certify & Submit* screen with an error message.

101. Each applicant is solely responsible for providing complete and accurate information in its FCC Form 175. The automated check for errors is provided to assist applicants in completing the FCC Form 175. However, the automated check may not catch all errors, and an applicant cannot rely on the automated check to determine the completeness or the accuracy of submitted information. In addition, although you will be able to proceed to the *Certify & Submit* screen even if you receive a warning message, you should not rely on your ability to certify and submit the FCC Form 175 with a warning message as a confirmation that the Commission has approved an application.

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

8. Attaching Additional Information

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

104. Answering “Yes” to any of the following FCC Form 175 questions requires the submission of an attachment associated with the particular question (i.e., spectrum use, rural partnership, indirect ownership, or agreements). Be sure to select the appropriate “Type” for that attachment, or an error message will appear on the *Error Summary* screen and the application will not be able to be certified and submitted.

- To submit the required description of any agreements or arrangements that must be disclosed pursuant to Section 1.2105(a)(2)(viii) of the Commission’s rules, select “Agreement” as the “Type” of attachment in the drop down list and upload the required attachment.⁹¹
- If an applicant seeking a bidding credit answers “Yes” to any of the questions concerning any spectrum use agreement(s) between a DIH and the applicant regarding any license(s) that

⁹¹ *Id.* § 1.2105(a)(2)(vii). The questions relating to the disclosure of such agreements or arrangements are discussed in Section I.C.4 of this Attachment and begin on the *Agreements with Other Parties and Joint Bidding Arrangements* screen of FCC Form 175.

may be won in Auction 1002, select “Spectrum Use” as the “Type” of attachment in the drop down list and upload the required attachment.⁹²

- If you indicate on the *Designated Entity Bidding Credit Eligibility* screen that the applicant is eligible for the exception from the attribution requirement pursuant to Section 1.2110(f)(4)(i)(C)(2) of the Commission’s rules, select “Rural Partnership” as the “Type” of attachment in the drop down list and upload the required attachment listing each member of the existing rural partnership and briefly describing the applicant’s eligibility to claim the exception.⁹³
- If you indicate on the *Add Disclosable Interest Holder Type* screen that a DIH has an indirect ownership interest in the applicant, select “Indirect Ownership” as the “Type” of attachment in the drop down list and upload the required attachment describing the indirect ownership interest held by that DIH.⁹⁴

105. For any other attachments the applicant needs or wishes to submit in support of its application, select the appropriate attachment “Type.”⁹⁵

106. If an attachment that is a request for a waiver or exemption of any of the Commission’s rules or procedures needs to be submitted, identify the attachment as such by selecting “Waiver” as the “Type” of attachment in the drop down list to help facilitate prompt processing of the request. A request for confidential treatment of information submitted with its application should be identified as such by selecting “Confidential Treatment” as the “Type” of attachment in the drop down list.

107. Once the required or otherwise necessary information is selected, you can add the attachment to the application by clicking on the **UPLOAD FILE** button. A list of any attachments already uploaded to the applicant’s FCC Form 175 will appear at the bottom of the screen.

108. When uploading attachments, you may use a variety of file formats, including Word (.doc and .docx), Adobe PDF (.pdf), and text files (.txt and .odt).⁹⁶ You must, however, verify that the files contain all attachment information. Any uploaded files may be no larger than 10 MB each and must not be password-protected. Graphics files (e.g., .bmp, .tiff, .jpg) are not supported. Spreadsheets (.xls, .xlsx, and .csv) are supported but are not recommended. Once all attachments are uploaded, click the **CONTINUE** button. After the FCC Form 175 filing deadline, an application attachment may not be deleted or withdrawn.

9. Certify and Submit

109. The *Certify & Submit* screens are the sixth and final series of screens in FCC Form 175. On these screens, an applicant provides several certifications required of all Auction 1002 applicants.⁹⁷

⁹² *Id.* § 1.2110(f)(4)(i)(C)(2). These questions are discussed in Sections I.C.5.d.(i) and I.C.5.e.(ii) of this Attachment and are displayed for each DIH under the *Revenues Attributable to DIH* screen (for applicants seeking a small business bidding credit) and *Subscribers Attributable to DIH* screen (for applicants seeking a rural service provider bidding credit).

⁹³ *See id.* § 1.2110(f)(4)(i)(C). This question is discussed in Section I.C.2.b. of this Attachment.

⁹⁴ This topic is discussed in Section I.C.5.c. of this Attachment.

⁹⁵ To upload information related to the applicant’s eligibility to bid on reserved spectrum blocks, select “Reserve Eligibility” as the “Type” of attachment in the drop down list. Additionally, to upload information concerning any consortium related to the applicant, select “Consortium” as the “Type” of attachment in the drop down list. Finally, to upload any information concerning an applicant’s foreign ownership, select “Foreign Ownership” as the “Type” of attachment in the drop down list.

⁹⁶ Any files uploaded will be automatically converted to a .pdf format.

⁹⁷ *See* 47 CFR § 1.2105(a)(2).

The *Certify & Submit* screen also requests that the applicant's certifying official be identified and sign the application.

110. The first *Certify & Submit* screen asks whether the applicant or its controlling interests have ever been in default on any Commission license or have ever been delinquent on any non-tax debt owed to any Federal agency within the meaning of Section 1.2105(a)(2)(xii) of the Commission's rules.⁹⁸ An applicant is considered a "former defaulter" if it or any of its controlling interests has defaulted on any Commission construction permit or license or has been delinquent on any non-tax debt owed to any Federal agency, but has since remedied all such defaults and cured all of the outstanding non-tax delinquencies. A former defaulter or delinquent that has remedied all such defaults and cured all of the outstanding non-tax delinquencies can participate, provided it is otherwise qualified and makes an upfront payment that is equal to 50 percent more than otherwise required.⁹⁹ Current defaulters or delinquents, however, are not eligible to participate in Commission auctions.

111. The second *Certify & Submit* screen lists the certifications required of any applicant in the Commission's competitive bidding processes and requests that the applicant's certifying official be identified and sign the application.

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

113. Each applicant must certify on its FCC Form 175 under penalty of perjury that it is legally, technically, financially and otherwise qualified to hold a Commission license.¹⁰⁰ Applicants are reminded that submission of an FCC Form 175 constitutes a representation by the person certifying that he or she is an authorized representative of the applicant with the authority to bind the applicant, has read the form's instructions and certifications, and that the contents of the application, its certifications, and any attachments are true, complete, and correct.

114. Submission of a false certification to the Commission may result in penalties, including monetary forfeitures, license forfeitures, ineligibility to participate in future auctions, and/or criminal prosecution. A change in the person certifying the application is considered a major change to an FCC Form 175 and will not be permitted after the application filing deadline.

115. Once the two *Certify & Submit* screens have been filled out, click on the **CERTIFY & SUBMIT** button on the second *Certify & Submit* screen to submit the application.¹⁰¹ Information in an application will not be considered by the Commission unless the applicant's certifying official clicks the **CERTIFY & SUBMIT** button on this screen after the required information has been provided in the FCC Form 175.

116. After the application has been submitted, a confirmation screen will be displayed that states the submission time and date, along with a unique file number. The applicant should print a copy of the confirmation page for its records. The applicant may view and print copies of its submitted application by clicking the **Print** link under the file number or by using the **Print** link in the upper right of the screen.

⁹⁸ *Id.* § 1.2105(a)(2)(xii).

⁹⁹ *Id.* §§ 1.2105(a)(2)(xii), 1.2106(a).

¹⁰⁰ *Id.* § 1.2105(a)(2)(v).

¹⁰¹ Please allow up to several minutes for processing once you click the **CERTIFY & SUBMIT** button, particularly if the applicant has a large number of ownership entries. To avoid technical complications, do not click the **CERTIFY & SUBMIT** button more than once while waiting for system to process your submission.

117. FCC Form 175 applications for Auction 1002 must be submitted and confirmed prior to **6:00 p.m. ET on February 9, 2016**. Late applications or unconfirmed submissions of electronic data will not be accepted.

D. Withdrawing an Auction Application Before the Filing Deadline and Updating Existing Auction Applications

1. Withdrawing an Application

118. An applicant may withdraw its application only during the initial filing window. To withdraw a submitted application before the Auction 1002 application filing deadline, click on the **Withdraw Application** icon on the *Review or Modify Existing Auction Applications* section of the *Auction Application Manager* screen. The entire FCC Form 175, including all previously-submitted data and any uploaded attachments, will be deleted. **An application may not be withdrawn after the Auction 1002 application filing deadline (i.e., 6:00 p.m. ET on February 9, 2016).**

119. Each applicant that submits an FCC Form 175 to participate in Auction 1002 remains subject to the FCC's prohibition on certain communications until the applicable deadline, regardless of whether the applicant has an application that has been deemed to be complete, makes an upfront payment, becomes a qualified bidder, or places a bid.¹⁰²

2. Updating Existing Forward Auction Applications

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

121. To review or continue working on an existing forward auction application, click the forward auction number for the application, which will display the application's *Summary* screen in a view/edit mode. To submit any changes made to the FCC Form 175, go to the second *Certify & Submit* screen and click the **CERTIFY & SUBMIT** button. After the revised application has been submitted, a confirmation page will display the application's file number and submission time and date. A copy of the confirmation page should be printed for the applicant's records. An applicant may view and print copies of its submitted application by clicking on the **Print** link under the file number or by using the **Print** link in the upper right of the screen.

122. After the initial FCC Form 175 filing deadline, an applicant may make only minor changes to its application. Major modifications will not be permitted (e.g., change its license selection(s) or person certifying the application, change in ownership of the applicant that would constitute an assignment or transfer of control, or claim eligibility for a different type or higher percentage of bidding credit).¹⁰³

II. UPFRONT PAYMENTS; REQUEST FOR REFUND OF UPFRONT PAYMENT

A. Upfront Payment Calculator and Form 159

123. The **Upfront Payment Calculator and Form 159** icons/links will become available after the release of a public notice listing complete applications following the deadline for resubmitting corrected applications for the forward auction.¹⁰⁴ Once available, you may access the **Upfront Payment Calculator and Form 159** icons and links from the *Review or Modify Existing Applications* and the

¹⁰² See *id.* § 1.2105(c).

¹⁰³ *Id.* § 1.2105(b).

¹⁰⁴ See *Auction 1000 Application Procedures Public Notice*, 30 FCC Rcd at 11062-63, paras. 89-90, 11086-87, paras. 157-160; see also *Tokens Public Notice* at 3, para. 8.

Auction Application Submit Confirmation screens, respectively. Clicking the **Upfront Payment Calculator and Form 159** link/icon will provide a calculator to determine the appropriate upfront payment amount to submit with the FCC Form 159 (Remittance Advice). From the *Calculate Upfront Payment* screen, click the **FORM 159** button to obtain the FCC Form 159. Additional information on how to complete and submit the FCC Form 159 will be provided in the forthcoming *Upfront Payments Public Notice*.¹⁰⁵

B. Refund of Upfront Payment

124. On the *Auction Application Submit Confirmation* and *Review Modify Existing Applications* screens, you can click on the **Wire Transfer for Refund Purposes** link/icon to provide wire transfer instructions for purposes of refunds of upfront payments. The Commission will use this information to refund excess funds on deposit. This feature will become available after the release of a public notice listing complete applications following the deadline for resubmitting corrected applications for the forward auction. Additional information on how to submit the FCC Form 159 for purposes of receiving a refund of an upfront payment will be provided in the forthcoming *Upfront Payments Public Notice*.¹⁰⁶

III. MISCELLANEOUS

A. Access to View Forward Auction Applications

125. After the deadline for filing forward auction applications, the Commission will process all timely-submitted applications to determine which are complete, and subsequently will issue a public notice identifying those applications that are (1) complete, (2) rejected, and (3) incomplete or deficient because of minor defects that may be corrected. Once that public notice is released, any interested parties may be able to view the auction applications (except for applicant license area selections and any application disclosures that might reflect on an applicant's bids or bidding strategies) by searching for them in the Commission's database.

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

B. Technical Support

127. For technical assistance with using FCC software, contact the FCC Technical Support Hotline at (877) 480-3201, option nine; (202) 414-1250; or (202) 414-1255 (TTY). The FCC Technical Support Hotline is available Monday through Friday from 8 a.m. to 6 p.m. ET. All calls to the FCC Technical Support Hotline are recorded.

¹⁰⁵ See *Auction 1000 Application Procedures Public Notice*, 30 FCC Rcd at 11062-63, paras. 89-90, 11086-87, paras. 157-160.

¹⁰⁶ *Id.* at 11093, para. 187.