

**SHORT-FORM APPLICATION (FCC FORM 175) FILING INSTRUCTIONS
FOR AUCTION 111**

An applicant must complete a short-form application (FCC Form 175) in order to be eligible to participate in Auction 111, a closed auction of construction permits for new or modified low power television (LPTV) stations and TV translator stations (collectively referred to as LPTV/translator stations).

I. APPLICATION PREPARATION AND SUBMISSION

1. To start an FCC Form 175, you must use the FCC Registration Number (FRN) associated with the applicant's pending long-form LPTV/translator station application to log into the FCC's Auction Application System. To complete the application, you must be prepared to provide, among other things, basic information about the applicant's legal classification, contact information, and at least one authorized bidder; indicate whether the applicant is seeking a new entrant bidding credit; select one or more construction permits on which the applicant wishes to bid; disclose information about the applicant's ownership and control structure; and make certain certifications. Additional information about the short-form application requirements can be found in the *Auction 111 Procedures Public Notice*.¹

2. Each applicant seeking to participate in this auction must submit a single short-form application (FCC Form 175) electronically via the FCC's Auction Application System. No individual or entity may file more than one FCC Form 175 in a single auction.² No individual or entity may have a controlling interest in more than one short-form application for a single auction.³

3. **Short-form applications must be submitted and confirmed prior to 6:00 p.m. Eastern Time (ET) on Tuesday, November 9, 2021.**⁴ Late applications or unconfirmed submissions will not be accepted. Applicants are strongly encouraged to file early and are responsible for allowing adequate time for submitting their applications.

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 November 1, 2021, until the close of the initial filing window at 6:00 pm ET on November 9, 2021. Information in an application will not be considered by the Commission unless you click on the **CERTIFY & SUBMIT** button on the *Certify & Submit* screen in the Auction Application System after providing or updating the information required in FCC Form 175.⁵

¹ *Auction of Construction Permits for Low Power Television and TV Translator Stations, Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 111, Bidding Scheduled to Begin February 23, 2022*, AU Docket No. 21-284, Public Notice, DA 21-1176 (September 21, 2021) (*Auction 111 Procedures Public Notice*).

² See 47 CFR § 1.2105(a)(3); see also *Auction 111 Procedures Public Notice*, Section II.B., "General Information Regarding Short-Form Applications."

³ 47 CFR § 1.2105(a)(3).

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 To reduce the risk of technical complications, do not click the **Certify & Submit** button more than once while waiting for your application submission to be completed. Applicants are also cautioned that the Commission periodically performs scheduled maintenance of its IT systems. During scheduled maintenance activities, which typically occur over the weekends, every effort is made to minimize any downtime to the auctions systems. However, there are occasions when auction-related systems may be temporarily unavailable.

II. MINIMUM SOFTWARE REQUIREMENTS

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

- Mozilla® Firefox®;
- Google Chrome® 46.0.2490.80 or higher⁶

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

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

III. LOGGING IN

8. You must use the applicant's FRN and associated password to log into the Auction Application System and complete FCC Form 175.⁷ To submit an FCC Form 175 electronically via the Internet, open a web browser and navigate to: auctions.fcc.gov (primary location) or auctions2.fcc.gov (secondary location).

9. On the *FCC Auction System* screen, enter the applicant's FRN and associated password⁸ and click the **LOG IN** button, which will take you to the *My Auctions Page* screen. The applicant name and FRN used in the Form 175 must precisely match the name listed in CORES (FCC Registration System) for that FRN.⁹ On *My Auctions Page* screen, you may create a new or modify an existing short-form application for Auction 111 by clicking on the **Click here for FCC Form 175** link, which is under the "Wireless/Broadcast" heading. This will take you to the *Auction Application Manager* screen. Select the **Auction 111** link to begin, review, modify, or withdraw an application for Auction 111. 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 many ownership entries. To avoid technical complications, **do not** click the link more than once while waiting for the application to load.

10. Applicants will not be able to access the bidding system for Auction 111 from the *My Auctions Page* screen. Additional information about how to participate in the mock auction and auction will be available to qualified bidders after release of the *Qualified Bidders Public Notice* for Auction 111.

⁶ In the past we have recommended using Mozilla® Firefox® or Google Chrome® but also supported Microsoft® Internet Explorer 9.0 or higher (with compatibility mode turned off). Please note that after January 31, 2020, Microsoft will no longer support any version of Internet Explorer prior to version 11. Microsoft recommends using the Microsoft Edge browser instead. At this time, the Commission has not fully tested the Auction Application System with Microsoft Edge and therefore does not yet support it.

⁷ Each applicant must use its FRN listed in Attachment A to the *Auction 111 Procedures Public Notice* to log into the Auction Application System. Only the FRN accounts listed in Attachment A to the *Auction 111 Procedures Public Notice* will have access to the FCC Form 175 for Auction 111.

⁸ The FRN password may be either the password directly associated with the FRN in CORES or the password associated with a username that is linked to the FRN in CORES.

⁹ If the applicant name on the FCC Form 175 is not identical to the name that appears in CORES for that FRN, processing of the FCC Form 175 may be delayed and the applicant may be disqualified from participating in bidding. If you are interested in applying to participate in Auction 111, you should verify the information, and especially the name, that appears in CORES for your FRN listed in Attachment A to the *Auction 111 Procedures Public Notice*, and make any necessary updates or corrections, prior to creating a new FCC Form 175.

Only those applicants that are identified as qualified bidders in Auction 111 will be eligible to participate in the auction.

IV. SECTIONS OF THE FCC FORM 175

11. The FCC Form 175 requests information needed to determine whether an applicant qualifies to participate in competitive bidding for Commission licenses or construction permits.¹⁰ An applicant must submit required information as entries in the data fields of FCC Form 175 whenever a data field is available for that information. An attachment should not be used to provide information that can be supplied within the data fields of FCC Form 175.

12. The FCC Form 175 consists of seven sections, each requesting separate types of information: (1) *Applicant Information*; (2) *Construction Permit Selection*; (3) *New Entrant Eligibility*; (4) *Agreements*; (5) *Ownership*; (6) *Summary*; and (7) *Certify & Submit*. Below is a summary of the different screens and the information that must be submitted on each. The sections following this summary provide more detailed instructions on how to fill out and provide the information required on each screen.

- *Applicant Information* screens:
 - Provide information about the applicant, including its legal classification, contact information, responsible party (if applicable), authorized bidders, and method of bidding
- *Construction Permit Selection* screens:
 - Select the construction permits, from the list of eligible construction permits, on which you may wish to bid
- *New Entrant Eligibility* screens:
 - Indicate whether you are claiming a new entrant bidding credit and, if so, whether you are claiming a 25% or 35% new entrant bidding credit
- *Agreements* screens:
 - Identify and provide information about each agreement that is required to be disclosed under the Commission's rules
- *Ownership* screens:
 - Provide information regarding parties that have an ownership or controlling interest in the applicant, including reporting ownership interests held by those parties in FCC regulated entities or applicants
- *Summary* screen:
 - Review the results of the system's automated check for certain inconsistencies and omissions in the application
- *Certify & Submit* screens:
 - Review and make the required certifications
 - Submit the application

¹⁰ See generally 47 CFR §§ 1.2105, 1.2112.

13. *Navigation.* You may access any of these screens from the navigation pane on the right side of the screen titled, “Application Sections.”¹¹ To expand a group of screens, click on the triangle to the right of the section title. When you click on the relevant section, you will be redirected to that section of the application. When a cursor passes over a clickable item, the cursor will turn into a hand icon.

14. The application system will automatically prompt you to complete certain sections of the form depending on the information you provide in earlier portions of the form. For example, a corporate applicant, unlike an individual applicant, must identify a corporate officer or director responsible for the application (called a responsible party). After selecting the legal classification “corporation”, the application system will ask for responsible party information through subsequent screens in FCC Form 175. Conversely, if the applicant is an individual, responsible party information is not needed, and the Auction Application System will not display screens requesting responsible party information.

15. *Help and Common Questions.* Help in filling out FCC Form 175 is available in two ways through the Auction Application System: (1) by clicking on the **Help** link located in each section of the application and in the upper right corner of each screen, which will open Auction Application Online Filing Help; or (2) by clicking on the text of any **Common Questions** link appearing on the right side of the screen. The common questions may differ from screen to screen because the common questions are linked to the information that must be supplied on that application screen. If you need further information or guidance beyond what is provided by these sources, use the contact information provided in Section VI.C. of these instructions. You may also access an online tutorial for Auction 111, covering pre-auction procedures including completing a short-form application in the FCC Auction Application System, and bidding procedures including how to use the FCC auction bidding system, which will be made available in the Education section of the Auction 111 website at www.fcc.gov/auction/111. This tutorial will help familiarize potential applicants with accessing and navigating the Auction Application System and completing FCC Form 175.

A. Applicant Information

16. On the *Applicant Information* screens, you must provide the information listed below.¹² Following this list, more guidance is provided on how to fill out some of these items.

- the applicant’s legal classification (e.g., individual, corporation, general partnership, etc.)
- optional information regarding the applicant’s status as a minority- or woman-owned business or a rural telephone company
- indicate whether or not the applicant qualifies for and elects non-commercial educational (NCE) status
- the applicant’s name, which will be used as the bidder name during the auction
- citizenship for individuals or jurisdiction of formation for legal entities
- 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 individual¹³

¹¹ To reduce the risk of technical complications, click buttons on the individual application pages/screens and in the navigation windowpane only once while navigating through the form.

¹² See 47 CFR § 1.2105(a).

¹³ Section 1.2105(a)(2) requires that the name and title of an officer or director be reported if the applicant is a corporation. If the applicant is a partnership, then the application will require the name, citizenship, and address of all general partners, and if a partner is not a natural person, then the name and title of a responsible person should be included as well. 47 CFR § 1.2105(a)(2).

- the name, address, telephone and fax number, and email address of a contact person who will communicate with the Commission regarding the applicant's FCC Form 175¹⁴
- the names, telephone numbers, and email addresses of up to three persons authorized to bid for the applicant in the auction

1. Applicant Legal Classification

17. You must indicate the applicant's legal classification on the *Applicant Legal Classification* screen before continuing to subsequent screens because the selected legal classification will determine which subsequent screens will appear. For example, an applicant registering as an "Individual" will enter information that is different from the information that an applicant registering as a "Corporation" will enter. If you select "Other" as the applicant's legal classification, for example, because you are a non-profit organization, a text box will open in which you must describe the applicant's legal classification.¹⁵

2. Applicant Status Information

18. 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.

3. Noncommercial Educational Election

19. You are required to check yes or no on the FCC Form 175 to indicate whether you are a municipality that identifies the LPTV/translator station proposed in your pending long-form application as a noncommercial educational (NCE) station. Any application identifying its proposed LPTV/translator station as an NCE station that remains mutually exclusive after the limited settlement period with any application for a commercial LPTV/translator station in this auction will be returned as unacceptable for filing.¹⁶ This NCE election cannot be reversed after the initial application filing deadline.¹⁷ For these reasons, each prospective applicant should consider carefully if it wishes to propose NCE operation for any LPTV/translator station to be acquired in this auction.

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

4. Applicant Name and Applicant Address

21. On the *Applicant Name/Applicant Address* screen, the data entry fields will depend on which legal classification you selected on the *Applicant Legal Classification* screen. An individual

¹⁴ A fax number may be used for a variety of purposes, including faxing bidding confirmation information and as a backup for communicating with the applicant in the event other means of communication are unavailable. If the contact person does not have a fax number, you may provide the contact person's telephone number in the fax number field.

¹⁵ For any text box in which the applicant can or is required to enter information, you should not use any non-ASCII characters.

¹⁶ See *Reexamination of the Comparative Standards for Noncommercial Educational Applicants*, MM Docket No. 95-31, Second Report and Order, 18 FCC Rcd 6691, 6699-6701, paras. 21-24 (2003) (*NCE Second Report and Order*). In the *NCE Second Report and Order*, the Commission determined that a short-form application that does not identify the facilities proposed in the FCC Form 175 as NCE will be considered, as a matter of law, an application for a commercial broadcast station. *NCE Second Report and Order*, 18 FCC Rcd at 6700, para. 22.

¹⁷ 47 CFR § 1.2105(b).

applicant 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,” “General Partnership,” “Limited Partnership,” or “Limited Liability Company” on the *Applicant Legal Classification* screen, you will be required to complete the Entity Name and Jurisdiction of Formation fields. The name entered will be used as the Bidder Name for the auction process.¹⁸ You must also provide a street address for the applicant. A post office box may not be used. After completing the applicant’s name and address information, click the **Save & Continue** button.

5. Responsible Party and Contact Information

22. The screen that appears after the *Applicant Name/Applicant Address* screen will depend on which legal classification you selected on the *Applicant Legal Classification* screen. For example, if you selected “Individual” or “General Partnership” on the *Applicant Legal Classification* screen, you will be directed to the *Contact Information/Contact Address* screen, where you will be required to provide contact information for an individual who will be sent all correspondence concerning the application. If you selected any other entity type, such as a “Limited Liability Company,” on the *Applicant Legal Classification* screen, you will first be directed to the *Responsible Party* screen, where you will be required to provide the name, title, email address, and address for the applicant’s responsible party. If the applicant is a corporation, the name, title, and email address of an officer or director must be provided.¹⁹ If the applicant is a limited partnership, then the name, title, email address and address of a general partner must be provided. If no general partner is a natural person, then the name, title, and email address of a responsible person should be provided.²⁰ After completing the *Responsible Party* screen, you will be directed to the *Contact Information/Contact Address* screen.

23. 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. A post office box may not be used. After entering the contact person’s or responsible party’s name, address, and other required information, click the **Save & Continue** button.

24. Commission staff will be sending auction-related material to the contact’s mailing address via overnight delivery. Therefore, you must provide a contact address that is a location capable of receiving overnight deliveries that require a signature.

25. 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 behalf of the applicant. Authorizations may be sent by email to auction111@fcc.gov.

6. Authorized Bidders

26. You must provide the name, phone number, and email address for each individual authorized to place bids for the applicant in the auction. You must identify at least one authorized bidder for the applicant, and no more than three. We encourage you to identify more than one authorized bidder to account for unforeseen circumstances that may result in an authorized bidder being unable to participate in the auction.

¹⁸ The applicant name and FRN used in the Form 175 must precisely match the name listed in CORES (FCC Registration System) for that FRN. See note 9 above.

¹⁹ 47 CFR § 1.2105(a)(2).

²⁰ *Id.*

27. An individual may not serve as an authorized bidder for more than one applicant in the same auction.²¹

28. After completing the necessary information for each authorized bidder, you must click the **Add** button to save the authorized bidder information that you have entered.²² While an applicant may change its authorized bidder(s) at a later date, only those bidders listed on the FCC Form 175 will be authorized to place bids for the applicant during bidding in the auction. Each authorized bidder listed on an applicant's FCC Form 175 will receive a designated SecurID[®] token that will be required to place bids for the applicant during the auction, along with instructions on how to use the token.

7. Electronic or Telephonic Bidding

29. 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 for telephonic bidding.

30. When all the Applicant Information has been completed, click the **Save & Continue** button.

B. Construction Permit Selection

31. You must identify in the *Construction Permit Selection* section the construction permits on which the applicant may wish to bid during the auction. In Auction 111, FCC Form 175 will only display construction permits for which the applicant is eligible to apply, as indicated in Attachment A to the *Auction 111 Procedures Public Notice*.

1. Select Construction Permits

32. The *Select Construction Permits* screen contains a list of all construction permits that you are eligible to apply to bid on in Auction 111. To display construction permits matching specific search criteria, you can use the **Search** text box to narrow down the available construction permits displayed. You can use the search function to narrow down the available construction permits based on the permit name, permit description, station class, state, or bidding units.

33. Construction permits can be selected and saved by (1) clicking the check box next to the permit name; or (2) clicking the **Select All Items** button, which will select and save all available construction permits. Permit selections are saved once selected. Once you have selected a construction permit, the word "Saved" will appear in the status column next to the corresponding construction permit as an indication that the applicant's selection has been saved.

34. You cannot submit FCC Form 175 until you select at least one construction permit. While an applicant is not obligated to bid on all construction permits that it selects, it will not be able to bid on construction permits that it has not selected on its FCC Form 175. An applicant's permit selections cannot be changed after the initial filing window has closed. Therefore, during the initial filing window it is important to carefully review the construction permit selections to make sure all permits on which the applicant may wish to bid have been selected.

35. Saved construction permits can be removed by (1) clicking the check box (to uncheck) next to a previously saved construction permit; or (2) clicking the **Unselect All Items** button, which will remove all previously saved construction permits. A removed construction permit will no longer have the word "Saved" next to the corresponding permit name.

²¹ 47 CFR § 1.2105(a)(2)(iii).

²² Click the **Add** button only once when adding an authorized bidder to reduce the risk of technical complications.

36. Once you have saved the construction permits you have selected, click the **Save & Continue** button.

2. View Selected Construction Permits

37. After the construction permits have been selected and saved, you will be directed to the *View Selected Construction Permits* screen. This screen lists all the construction permits that have been selected and saved in this FCC Form 175 for the auction. You may print the list of selected construction permits by clicking the **Print** button or view the list in .pdf format by clicking the **PDF** button. After you have confirmed the accuracy of the information on the *View Selected Construction Permits* screen, click the **Continue** button. **An applicant's construction permit selection(s) may not be changed after the FCC Form 175 filing deadline.**

C. New Entrant Bidding Credit Eligibility

38. On the *New Entrant Eligibility* screens you will indicate whether the applicant intends to seek a new entrant bidding credit and provide information regarding the applicant's eligibility. An applicant's selection on the *New Entrant Bidding Credit* screen indicates its maximum claim for bidding credit eligibility.²³ An applicant cannot change its claimed bidding credit level in the Auction Application System after the FCC Form 175 filing deadline.

39. If you are not seeking a new entrant bidding credit, you should select "Not Seeking the New Entrant Bidding Credit" on the *New Entrant Bidding Credit* screen and then click on the **Save & Continue** button to continue to the *Agreements* section of FCC Form 175.

40. If you are seeking a new entrant bidding credit, indicate whether you are seeking a 25% bidding credit or a 35% bidding credit by selecting the appropriate option. If you are seeking a bidding credit, you must indicate, "yes" or "no", whether you claim to be an "Eligible Entity" as defined in section 73.5008(c) of the Commission's rules for purposes of claiming eligibility for the new entrant bidding credit.²⁴

41. An applicant seeking a 35% new entrant bidding credit does not need to provide any additional information in the FCC Form 175 regarding its claimed new entrant bidding credit, and after clicking the check box for 35%, you will continue to the *Agreements* section of FCC Form 175.

42. An applicant claiming a 25% new entrant bidding credit must provide additional information regarding existing mass media facilities in which the applicant, or any individual or entity with an attributable interest in the applicant, has an attributable interest.²⁵ In order to provide this information, after selecting a 25% new entrant bidding credit on the *New Entrant Bidding Credit* screen, click the **Save & Continue** button to proceed to the *View/Edit All Facilities Screen*. Click the **Add Existing Mass Media Facility** button, which will bring you to the *Add Mass Media Facility* screen. On the *Add Mass Media Facility* screen, provide the following information regarding the mass media facility in response to the relevant question:

1. Identify the existing mass media facility in which the attributable interest is held. For a broadcast mass media facility, provide the Facility ID and Call Sign, Community of License, and State. For

²³ Changes to an applicant or its attributable interests after the short-form application filing deadline, such as the acquisition of attributable interests in media of mass communications, may cause diminishment or loss of the bidding credit. *Auction 111 Procedures Public Notice* at 22-23, para. 65; see also *id.* at

²⁴ 47 CFR § 73.5008(c).

²⁵ Full-service noncommercial educational (NCE) stations, on both reserved and nonreserved channels, are included among "media of mass communications" as defined in section 73.5008(b). See *Minnesota Christian Broadcasters, Inc.*, Memorandum Opinion and Order, 18 FCC Rcd 614, 615, para. 8 (2003). Existing low power television, television translator or FM translator facilities are not counted as mass media interests in determining eligibility for a new entrant bidding credit. 47 CFR § 73.5007.

a non-broadcast mass media facility, provide the name and type of the communications medium – e.g., Hometown Gazette, daily newspaper – and the city and state of the facility’s service area;

2. Provide the name of the individual or entity with an attributable interest in the existing mass media facility;
3. Describe the attributable interest in the existing mass media facility; and
4. Indicate whether the existing mass media facility is in the “same area” as any proposed broadcast facilities you selected in the *Select Construction Permits* section of your application, as defined by applicable Commission rules.²⁶ For purposes of determining whether a broadcast facility identified for bidding in the auction is in the “same area” as an applicant’s existing mass media facilities, the relevant contour of the proposed LPTV/translator station is its predicted, protected contour, as defined in section 74.707(a) of the Commission’s rules.²⁷

43. Once you have completed the *Add Mass Media Facility* screen for the mass media facility, click the **Save** button to return to the *View/Edit All Facilities* screen. If the existing broadcast facility is in the “same area” as any of the proposed facilities selected in your application, you must identify the proposed facility. To do this, after completing the *Identify Mass Media Facility* screen for this facility, click the **Save & Continue to Add Proposed “Same Area” Facilities**. On the *Add Proposed “Same Area” Facilities* screen, select the proposed broadcast facility from the drop down menu that is in the “same area” as the identified existing mass media facility and click the **Add** button. Once a facility has been added, you can click the **Remove** button next to the Proposed Broadcast Facility to delete it as a proposed facility. Click the **Continue** button to return to the *View/Edit All Facilities* screen.

44. Repeat these steps to identify all relevant existing mass media facilities, and all broadcast facilities selected in your auction application that are located in the “same area” as each relevant existing mass media facility. From the *View/Edit All Facilities* screen, you can:

- Click the **Back to New Entrant Bidding Credit Section** button or the **Modify Bidding Credit Selection** link to return to the initial *New Entrant Bidding Credit* screen.
- Modify information about existing mass media facilities by clicking on them.
- Click the **Delete** button next to the name of an existing mass media facility to delete a facility and identified broadcast facility in the “same area.”
- Click the **Add Existing Mass Media Facility** button to add additional mass media facilities.
- Click the **Add/Remove Proposed “Same Area” Facilities** button under the name of an existing mass media facility to return to the *Add Proposed “Same Area” Facilities* screen for an existing mass media facility.

45. After you have identified each relevant existing mass media facility, and it is listed in the *View/Edit All Facilities* screen, as well as all proposed broadcast facilities available in this auction in the “same area” as each relevant existing mass media facility, click the **Save & Continue to Agreements** button to continue to the *Agreements* section of FCC Form 175.

D. Agreements

46. On the *Agreements* screens, you must provide information regarding the applicant’s auction-related agreements subject to disclosure under the Commission’s rules.²⁸

²⁶ See 47 CFR §§ 73.5007, 73.5008. Any existing media of mass communications will be considered in the “same area” as a proposed broadcast or secondary broadcast facility if the relevant defined service areas of the existing mass media facilities partially overlap, or are partially overlapped by, the proposed broadcast or secondary broadcast facility’s relevant contour. See 47 CFR § 73.5007(b).

²⁷ 47 CFR § 73.5007(b)(3).

²⁸ 47 CFR § 1.2105(a)(2)(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).

(continued....)

47. Specifically, on the *Agreements with Other Parties and Joint Bidding Arrangements* screen, you must indicate, by responding “Yes” or “No,” whether the applicant has entered into any partnerships, joint ventures, consortia, or other agreements, arrangements, or understandings of any kind relating to the construction permits being auctioned, including any agreements that address or communicate directly or indirectly bids (including specific prices), bidding strategies (including the specific construction permit(s) 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.²⁹ In most circumstances, if you have entered into a settlement agreement regarding a construction permit listed in Attachment A to the *Auction 111 Procedures Public Notice*, you should respond “Yes” and identify that agreement as instructed below. If you select “No” and then click the **Save & Continue** button, you will continue to the *Ownership* section, described below in Section IV.E. If you select “Yes” and then click the **Save & Continue** button, you will continue to the *View/Edit Agreements* screen.

48. 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 for the agreement or may use the default name assigned by the FCC Auction Application System (e.g., Agreement 1). The agreement identifier can be a brief description of the agreement or a simple reference name; however, each agreement identifier must be unique. Next, select an Agreement Type from the drop-down menu. If the agreement type is not listed as an option under the drop-down list, select “Other” and enter a description in the Specify field that subsequently appears. Neither the name of the agreement nor its description should potentially reveal an applicant’s bidding strategy.

49. You must also identify each party, other than the applicant, to each agreement required to be 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. While providing the FRN is optional, including that information may prevent identification errors resulting from parties having similar names or a single party using multiple names. After completing the required information for each party, you must click the **Add Party** button to save the information.

50. Additional parties for that agreement can be added by selecting the type of party, entering the applicable information, and clicking the **Add Party** button. The **Clear** link can be used to cancel a party type selection clicked in error. After adding a particular party, the name of that party and its associated FRN can be edited by clicking the **Edit** button or be deleted from the FCC Form 175 by clicking on the **Remove** button. After identifying all parties to a particular agreement, click the **Save & Continue** button to return to the *View/Edit Agreements* screen.

51. The *View/Edit Agreements* screen lists the agreements and parties to each agreement that already have been entered. From this screen, you can:

- Click the **Edit** button to modify agreement information.

See id. § 1.2105(a)(2)(ix). *See also Auction 111 Procedures Public Notice*, Sections II.E., “Disclosure of Agreements and Bidding Arrangements” and II.H.3., “Scope of Prohibition on Communications; Prohibition on Joint Bidding Agreements.” An applicant has the option of explaining in an attachment why a particular agreement, understanding, or arrangement is not prohibited by Commission rules.

²⁹ For more information regarding agreement disclosure requirements and joint bidding arrangements/agreements, review Section II.E., “Disclosure of Agreements and Bidding Arrangements” of the *Auction 111 Procedures Public Notice*. *See generally Guidance Regarding the Prohibition of Certain Communications During the Incentive Auction, Auction 1000*, AU Docket No. 14-252, GN Docket No. 12-269, WT Docket No. 12-269, 30 FCC Rcd 10794 (WTB 2015); *see also Updating Part 1 Competitive Bidding Rules; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, WT Docket Nos. 14-170 and 05-211, GN Docket No. 12-268, RM-11395, Report and Order; Order on Reconsideration of the First Report and Order; Third Order on Reconsideration of the Second Report and Order; Third Report and Order, 30 FCC Rcd 7493 (2015) (modified by Erratum, 30 FCC Rcd 8518 (2015)).

- Click the **Delete Agreement** button to delete an agreement and associated parties.
- Click the **Create New Agreement** button to add an additional agreement.
- Click the **Back** button or the **Agreements** link in the “Application Sections” box to return to the initial *Agreements with Other Parties and Joint Bidding Arrangements* screen, where the applicant indicates whether it has any agreements.

52. An applicant that has entered into any agreement(s) that is 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 procedures for uploading this required attachment are described below in Section IV.H.

53. When you have confirmed the accuracy of all agreement information, click the **Continue** button to move to the *Ownership* section of FCC Form 175.

E. Ownership

54. On the *Ownership* screens, you must provide information regarding parties with ownership or controlling interests in the applicant that must be disclosed pursuant to Commission part 1 competitive bidding rules.³⁰ 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 175.³¹ 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% 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 general partner no matter the percentage of interest held, as well as each limited partner whose interest in the applicant is 10% 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% or greater;
- in the case of a non-profit entity, each member of the governing board and of any educational institution or governmental entity with a controlling interest in the applicant, if applicable;³² and
- all parties holding an indirect ownership interest in the applicant that equals 10% or more of the applicant, as discussed below.

55. 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. These interest holders may differ from the types of attributable interest holders that are required to be reported by broadcast applicants under part 73 of the rules in conjunction with licensing and assignment and transfer of facilities or reporting of ownership information.

56. Section 1.2112(a)(7) lists the FCC-regulated business entities or applicants for an FCC license (FRBs) that must be disclosed in FCC Form 175.³³

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

³¹ Section 73.5002(b) requires, among other things, that each applicant for a broadcast auction must comply with the disclosure requirements of section 1.2105(a) and any Commission public notices. Section 1.2105(a) incorporates the ownership disclosure requirements set forth in section 1.2112. 47 CFR §§ 1.2105, 1.2112(a), 73.5002(b).

³² A governing board member DIH should check “Other” as its “Disclosable Interest Holder Type” and enter a description in the Specify field that subsequently appears.

³³ See 47 CFR § 1.2112(a)(7).

1. Information Already on File with the Commission

57. Some applicants may have previously filed an FCC Form 602 ownership report or filed an FCC Form 175 application for a previous auction in which ownership information was disclosed. To simplify filling out FCC Form 175, the most current ownership information from an FCC Form 602 or previous auction application with the same FRN the applicant is using to submit its FCC Form 175 in this auction will automatically be pre-filled into certain ownership sections on the applicant's FCC Form 175, if such information is in an electronic format compatible with FCC Form 175. Any attachments associated with an applicant's previously filed FCC Form 602 or auction application, such as an attachment describing indirect ownership information, will also be imported into the applicant's FCC Form 175 as an attachment.

58. Each applicant is responsible for ensuring that the information submitted in its FCC Form 175 is complete and accurate. You must carefully review any information that may have been automatically pre-filled into an application to confirm that all information is complete and accurate as of the deadline for submitting applications for Auction 111. 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 Application System will not, however, permit you to edit any ownership attachment that has been imported into the applicant's FCC Form 175; therefore, if you find inaccuracies in any imported attachment, delete the imported attachment and upload a new attachment that contains the applicant's current/updated ownership information. After the deadline for filing short-form applications, the ownership information provided in an applicant's submitted FCC Form 175 (including any attachments) will be considered to be the applicant's most current information on file with the Commission for Auction 111.

2. View/Edit Ownership Disclosure Information

59. The *View/Edit Ownership Disclosure Information* screen summarizes ownership or controlling interest information entered in the FCC Form 175, either automatically from information on file with the Commission (e.g., from a previously filed FCC Form 602 or FCC Form 175) or directly by the applicant, and provides links enabling existing information to be revised and additional information to be added.

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

61. To edit information already submitted regarding a DIH or FRB, click on the relevant party's name. Locate the section of information to be updated and click the **Open** button. Once the information has been updated, click the **Save and Continue** button.

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

3. Ownership Disclosures Required of All Applicants

63. Each applicant, regardless of whether it is seeking a bidding credit, must provide information in its FCC Form 175 concerning its DIHs and FRBs.³⁴

4. Adding a Disclosable Interest Holder

64. 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 sections 1.2105 or 1.2112 of the

³⁴ See *id.* §§ 1.2105(a)(2)(ii)(A)-(B), 1.2112.

Commission's rules.³⁵ 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,³⁶ percent of interest held in the applicant, and the DIH's jurisdiction of formation (for an entity) or citizenship (for an individual). You have the option of providing the FRN of a DIH but an FRN entry is not required.

65. If you enter one or more DIHs with indirect ownership interest(s) in the applicant on the *Add Disclosure Interest Holder Type* screen,³⁷ you must include an attachment describing the relationship between all 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. For example, indirect owners X and Z each own 50% of holding company Y, and holding company Y directly owns 100% of the applicant.³⁸ 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 procedures for uploading this required attachment are described below in Section IV.H.

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

67. After completing the necessary information for a DIH, click the **Save & Continue** button. This will direct you to the *Information for DIH* screen, which will summarize the information you submitted for a particular DIH. 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 *Information for DIH* 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 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.

5. Adding FCC Regulated Businesses

68. If you are required under section 1.2112(a)(7) to disclose an FCC-regulated business (FRB) in which the applicant or a DIH owns 10% or more of stock, you can add the FRB in the appropriate section of the FCC Form 175.³⁹

69. 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 percentage of interest held directly by the applicant in the FRB. You have the option of providing the FRN of an FRB, but an FRN entry is not required.

³⁵ *Id.* §§ 1.2105, 1.2112.

³⁶ If the DIH holds an ownership, control, or positional interest that is not listed on the screen (e.g., another type of option or debt security), select "Other" and enter the DIH's interest(s) in the "Specify" field accordingly.

³⁷ 47 CFR § 1.2112(a)(6).

³⁸ *See id.*

³⁹ Note that this rule requires the reporting of an FRB when there is an ownership interest only. If there is not an ownership interest, it would not be considered a reportable FRB of the applicant or DIH. Further, this rule excludes reporting of FRBs of entities or persons who solely have an indirect ownership interest in the applicant. 47 CFR § 1.2112(a)(7).

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

71. 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* screen when disclosing an FRB previously entered as an FRB for the applicant or as an FRB for a DIH in this FCC Form 175. When doing so, be sure to enter the "Percent of Interest Held" in the FRB by this auction applicant or DIH. When you click the **Select Entities Already Entered** link on the *Add FCC Regulated Business of Applicant* screen, you will be redirected to the *Copy FCC Regulated Business of Applicant* screen or the *Copy FCC Regulated Business of DIH* screen, as applicable. On these screens, you can select each previously entered entity you want to copy. Please note that the only names that will appear in the list displayed on these screens are previously entered entities that are FRBs of the applicant or entities that are FRBs of previously entered DIHs, but not previously entered individuals that are FRBs. After you are finished copying any FRB(s) of the applicant or DIHs to the applicable screens, be sure to enter the "Percent of Interest Held" in the FRB by the auction applicant or DIH.

72. After entering or copying the necessary information for a particular FRB, you must click the **Add** button to save the information. Once you have entered all of the necessary FRB information required under section 1.2112(a)(7), click the **Save & Continue** button.

F. Foreign Ownership

73. Section 310 of the Communications Act of 1934, as amended, requires the Commission to review foreign investment in radio station licensees and imposes specific restrictions on who may hold certain types of radio licenses.⁴⁰ 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.

74. An auction applicant is required to certify in its FCC Form 175 that, as of the deadline for filing an application for Auction 111, 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. If a petition for declaratory ruling concerning section 310 is pending or was granted previously, this information needs to be reported in an attachment to the applicant's FCC Form 175. You must select "Foreign Ownership" as the attachment type when uploading this attachment. The procedure for uploading this attachment is described below in Section IV.H.

75. Potential applicants are encouraged to contact the Commission's staff before filing their auction applications if they have any questions about complying with the foreign ownership requirements. For information about what must be included in section 310(b)(4) petitions for declaratory ruling and how the Commission analyzes foreign ownership issues, see sections 1.5000–1.5004 of the Commission's rules and the Commission's foreign ownership decisions discussed in the *Auction 111 Procedures Public Notice*.⁴¹

⁴⁰ 47 U.S.C. § 310.

⁴¹ 47 CFR §§ 1.5000-04; *Auction 111 Procedures Public Notice* at 15, para. 36.

G. Summary

76. The *Summary* screen summarizes the information provided in the previous sections. This screen appears prior to the *Certify & Submit* screen and allows you to review all of the information entered on previous sections and to check for certain inconsistencies or omissions in the information entered.

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

78. 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 try to address or correct any issues identified in a warning before submitting your application, if possible. You should not assume that the ability to certify and submit the FCC Form 175 with a warning message indicates that the subject of the warning will not affect whether that applicant will be deemed qualified to participate in the auction.

79. If the automated check does not reveal certain inconsistencies or omissions, each application section will display the message “No errors” with a green checkmark. Once this happens, you may then click the **Continue to Certify** button.

H. Attachments

80. 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 relationships among indirect owners of the applicant), such information should be provided in an attachment. You can add an attachment to FCC Form 175 via the *Application Attachments* screen by clicking the **Attachments** link in the upper right of any screen. This screen requests information regarding the type of attachment to be added, the file to be attached, and a brief description of the attachment.

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

- If you indicate on the *Legal Classification* screen that the applicant is a consortium, select “**Consortium**” as the “Type” of attachment in the dropdown list and upload the required attachment.
- If you indicate on the *Agreements with Other Parties and Joint Bidding Arrangements* screen that the applicant has entered into any agreements or arrangements that must be disclosed pursuant to section 1.2105(a)(2)(viii) of the Commission’s rules, select “**Agreement**” as the “Type” of attachment in the dropdown list and upload the required attachment.
- If you indicate on the *Add Disclosable Interest Holder Type* screen that one or more DIH has an indirect ownership interest in the applicant, select “**Indirect Ownership**” as the “Type” of attachment in the dropdown list and upload the required attachment.

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

is being submitted, select “Waiver” as the “Type” of attachment in the dropdown list to help facilitate prompt processing of the request. Information for which the applicant is seeking confidential treatment should be identified as such by selecting “Confidential Treatment” as the “Type” of attachment in the dropdown list, and this attachment must be accompanied by a formal request for confidential treatment in accordance with section 0.459 of the Commission’s rules.⁴² If the attachment type is not listed as an option in the drop-down list, select “Other” and enter a description in the Specify field that subsequently appears.

83. After selecting the correct file attachment, click the **UPLOAD FILE** button. You may experience a short delay as the system processes an uploaded attachment. A list of any attachments already uploaded to an applicant’s FCC Form 175 will appear at the bottom of the screen. Please note that you may proceed with your application while the system processes any attachment(s), including clicking the Certify & Submit button to submit your application. Applicants are reminded that late applications or unconfirmed submissions will not be accepted.

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

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

I. Certify and Submit

86. The *Certify & Submit* screens provide several certifications required of all Auction 111 applicants.⁴³

87. The first *Certify & Submit* screen asks whether the applicant or any of 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.⁴⁴

⁴² An applicant requesting confidential treatment of any information submitted with its short-form application must follow the requirements set forth in section 0.459 when submitting this attachment, including providing a statement of the reasons for withholding the information for which confidential treatment is sought from inspection and the facts upon which those records are based. *See* 47 CFR § 0.459(b). The Commission will not consider casual requests for confidential treatment (e.g., selecting “Confidential Treatment” as the attachment type without providing the information required under section 0.459). In accordance with section 0.459(a)(2), a redacted version of the document for which confidential treatment is being requested, or an affidavit that it is impossible to submit a redacted version, should be included with any application requesting confidential treatment of any information. Use the attachment Type that reflects the substance of the redacted document. Do not use “Confidential Treatment” as the attachment Type for a redacted document that no longer includes confidential information.

⁴³ These certifications are made under penalty of perjury and generally confirm that the applicant is legally, technically, financially, and otherwise qualified to hold a Commission license, including applicant compliance with the foreign ownership provisions of the Communications Act of 1934, as amended. *See* 47 CFR § 1.2105(a)(2).

⁴⁴ *Id.* § 1.2105(a)(2)(xii).

88. 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 by name and title and sign the application.

89. An FCC Form 175 must be certified by a person with the authority to bind the applicant.⁴⁵ In the event that changes are made to any of the information in the FCC Form 175 after the initial 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 in the Auction Application System after the initial application filing deadline.

90. 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.⁴⁶ 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. 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.

91. 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.⁴⁷ Information in an application will not be considered by the Commission for Auction 111 unless the applicant's certifying official clicks the **Certify & Submit** button on this screen.

92. 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. You are strongly encouraged to print or save a copy of the confirmation page for your records. You may view and print copies of your submitted application by clicking the **Print** link under the file number or by using the **Print** link in the upper right of the screen. A confirmation email will be sent to the email address provided in the FCC Form 175 for the contact. The applicant's contact person should print and retain a copy of the confirmation email for the benefit of the applicant.

93. FCC Forms 175 for Auction 111 must be submitted and confirmed **prior to 6:00 p.m. ET on November 9, 2021**. Late applications or unconfirmed submissions will not be accepted.

J. Withdrawing an Auction Application Before the Filing Deadline

94. An applicant may withdraw a submitted short-form application only during the initial short-form application filing window. To withdraw a submitted application before the filing deadline, click on the **Withdraw Application** icon on the *Review or Modify Existing Short-Form 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 application filing deadline of 6:00 p.m. ET on November 9, 2021.**

95. Each applicant that submits an FCC Form 175 to participate in Auction 111 becomes subject to the Commission's prohibition on certain communications as of the application filing deadline. The prohibition applies to applicants until the Auction 111 post-auction down payment deadline, regardless of whether an applicant has an application that has been deemed to be complete, becomes a qualified bidder, places a bid, or is no longer bidding in the auction.

⁴⁵ See *id.* § 1.917; see also *id.* § 73.3513.

⁴⁶ *Id.* § 1.2105(a)(2)(v).

⁴⁷ 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 the system to process your submission.

K. Updating an Existing Auction Application

96. The *Review or Modify Existing Short-Form 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.

97. To review or continue working on an existing short-form application, click the auction number (i.e., click on “111” for your Auction 111 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 *Certify Auction Application* 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. You are strongly encouraged to print or save a copy of the confirmation page for your records. You may view and print copies of a submitted application by clicking on the **Print** link under the file number or by using the **Print** link in the upper right of the screen.

98. After the initial FCC Form 175 filing deadline, an applicant will be permitted to make only minor changes to its application.⁴⁸ Examples of minor changes include the deletion or addition of authorized bidders (to a maximum of three); the revision of addresses and telephone numbers of the applicant, its responsible party, and its contact person. A major modification to an FCC Form 175 (e.g., change of permit selections, certain changes in ownership that would constitute an assignment or transfer of control of the applicant, change in the required certifications, change in applicant’s legal classification that results in a change in control, or change in claimed eligibility for a higher percentage of bidding credit) will not be permitted after the initial FCC Form 175 filing deadline.⁴⁹

99. An applicant’s ability to modify its FCC Form 175 directly in the Auction Application System will be limited between the closing of the initial filing window and the opening of the short-form application resubmission filing window, and again between the closing of the resubmission filing window and the release of the public notice announcing qualified bidders for the auction. During these periods, an applicant will be able to view its submitted application, but will be permitted to modify only the applicant’s address, responsible party address, and contact information (e.g., name, address, telephone number, etc.) in the Auction Application System. If, during these periods, an applicant needs to make other permissible minor changes to its FCC Form 175, or changes to maintain the accuracy and completeness of its application,⁵⁰ the applicant must submit a letter briefly summarizing the changes to its FCC Form 175 via email to auction111@fcc.gov. The email summarizing the changes must include a subject or caption referring to Auction 111 and the name of the applicant, for example, “Re: Changes to Auction 111 Application of XYZ Corp.” Any attachments to this email must be formatted as Adobe® Acrobat® (pdf) or Microsoft® Word documents. An applicant that submits its change(s) by letter in this manner must subsequently update its FCC Form 175 in the FCC Auction Application System once it is open and available to applicants.

100. Moreover, after the initial application filing window has closed, the Auction Application System will not permit an applicant to make certain changes itself (e.g., correcting a misstatement of the applicant’s legal classification or reducing the applicant’s claimed bidding credit level). If an applicant needs to make a permissible minor change that cannot be made using the FCC’s Auction Application System, it must submit a written request by email to auction111@fcc.gov requesting that the Commission staff manually make the change on the applicant’s behalf. After this change is made to the FCC

⁴⁸ *Auction 111 Procedures Public Notice* at 28-29, para. 81.

⁴⁹ See 47 CFR § 1.2105(b)(2); *Auction 111 Procedures Public Notice* at 28-29, para. 81.

⁵⁰ See *Auction 111 Procedures Public Notice*, Section II.M., “Modifications to FCC Form 175.”

Form 175 by Commission staff, the applicant must then recertify and resubmit its application by clicking on the **Submit** button to confirm the requested change.

V. UPFRONT PAYMENTS; REQUEST FOR REFUND OF UPFRONT PAYMENT

A. Upfront Payment Calculator and FCC Form 159

101. In order to be eligible to bid in Auction 111, a sufficient upfront payment and a complete and accurate FCC Remittance Advice Form (FCC Form 159, Revised 2/03) must be submitted before 6:00 p.m. ET on January 25, 2022. You may access the **Upfront Payment Calculator and Form 159** icon or link from the *Review or Modify Existing Short-Form Applications* section of the *Auction Application Manager* screen and the *Confirmation of Submission* screens, respectively. Clicking the **Upfront Payment Calculator and Form 159** link or icon will provide a calculator to determine the appropriate upfront payment amount to submit with the FCC Form 159. From the *Calculate Upfront Payment* screen, click the **Form 159** button to obtain the FCC Form 159. Additional information about upfront payments may be found in Section III.E., “Upfront Payments,” of the *Auction 111 Procedures Public Notice*.⁵¹

B. Refund of Upfront Payment

102. You can use the **Refund Form** icon found on the *Review or Modify Existing Short-Form Applications* section of the *Auction Application Manager* screen or the **Refund Form** link available on the *Confirmation of Submission* screen in the Auction Application System to access the form required for refunds of upfront payments. The Commission will use this information to refund excess funds on deposit. Additional information on how to submit the Refund Form may be found in Section V.E., “Refund of Remaining Upfront Payment Balance” in the *Auction 111 Procedures Public Notice*.⁵²

VI. MISCELLANEOUS

A. Public Availability of Short-Form Application Information

103. All information that is required to be submitted as part of a short-form application to participate in an auction is necessary to determine each applicant’s qualifications and, as such, will be available for public inspection. Short-form application information will generally be publicly available after the Commission releases a public notice with the initial status of all timely submitted applications. 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.⁵³ Such a request must be included as an attachment to the applicant’s FCC Form 175 and must identify the specific information to which the request applies.⁵⁴

104. Applicants are cautioned that because the required information submitted in FCC Form 175 bears on each applicant’s qualifications, requests for confidential treatment will not be routinely granted.⁵⁵ The Commission has held generally that it may publicly release confidential business information where the party has put that information at issue in a Commission proceeding or where the Commission has identified a compelling public interest in disclosing the information.⁵⁶ In this regard, the

⁵¹ *Auction 111 Procedures Public Notice*, Section III.E. “Upfront Payments.”

⁵² *Auction 111 Procedures Public Notice*, Section V.E., “Refund of Remaining Upfront Payment Balance.”

⁵³ 47 CFR § 0.459.

⁵⁴ The procedure for uploading application attachments is described below in Section IV.H. of these instructions.

⁵⁵ 47 CFR § 0.459(a).

⁵⁶ See *Examination of Current Policy Concerning Treatment of Confidential Information Submitted to the Commission*, Report and Order, GC Docket No. 96-55, 13 FCC Red 24816, 24822-23, para. 8 (1998).

Commission has specifically held that information submitted in support of receiving bidding credits in auction proceedings should be made available to the public.⁵⁷

B. Access to View Short-Form Applications

105. After the deadline for filing short-form applications, the Commission will process all timely submitted applications and subsequently issue a public notice for this auction identifying those applications that are (1) complete, (2) rejected, or (3) incomplete or deficient because of minor defects that may be corrected. Following the release of that public notice for Auction 111, any interested parties may view the short-form applications by searching for them in the FCC database for Auction 111.

106. 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 Application System screen.

C. Contact Information

107. For further information concerning Auction 111, contact the appropriate individual or office listed below:

FCC Auctions Hotline

General Auction Questions: (888) 225-5322, option two; or
Auction Process and Procedures: (717) 338-2868
Hours of service: 8:00 a.m. – 5:30 p.m. ET,
Monday through Friday

Auctions Division, Office of Economics and Analytics

For general auction questions: Auctions Hotline at (717) 338-2868
For auction legal questions: Lyndsey Grunewald (Attorney) or
Scott Mackoul (Attorney) at (202) 418-0660

Video Division, Media Bureau

For legal questions about the Low Power Television and TV Translator Stations: Shaun Maher (Attorney) 202-418-2324 or
Mark Colombo (Engineer) at (202) 418-7611

Technical Support

Electronic Filing: (877) 480-3201, option nine; or (202) 414-1250
Auction Application System (Hardware/Software Issues): (202) 414-1255 (TTY)
Hours of service: 8:00 a.m. – 6:00 p.m. ET,
Monday through Friday

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

For Accessible Formats: (202) 418-0530
(202) 418-0432 (TTY)
fcc504@fcc.gov

⁵⁷ See, e.g., *SAL Spectrum, LLC – Request for Confidential Treatment of Subscriber Information Provided in FCC Form 175*, Letter Order, 31 FCC Rcd 3726 (WTB 2016) (denying a request for confidentiality of the number of wireless, wireline, broadband, and cable subscribers submitted by an applicant requesting rural service provider bidding credit).

Federal Communications Commission

Office of Communications Business Opportunities (202) 418-0990
For questions concerning small business inquiries: www.fcc.gov/ocbo

FCC Internet Sites www.fcc.gov
www.fcc.gov/auction/111

Electronic Code of Federal Regulations www.ecfr.gov