

to protect incumbent television operations in the band during the DTV transition period, allowed low power television ("LPTV") and TV translator stations to retain secondary status and operate in the band after the transition, and set forth a mechanism by which pending broadcast applications may be amended to provide analog or digital service in the core television spectrum or to provide digital service on TV Channels 52–58.

3. In its service rules, the Commission divided the Lower 700 MHz band into three 12-megahertz blocks, with each block consisting of a pair of 6-megahertz segments, and two 6-megahertz blocks of contiguous, unpaired spectrum. The Commission decided to divide the five blocks in the Lower 700 MHz band plan as follows: the two 6-megahertz blocks of contiguous unpaired spectrum, as well as two of the three 12-megahertz blocks of paired spectrum, were assigned over six Economic Area Groupings ("EAGs"); the remaining 12 megahertz block of paired spectrum was assigned over 734 Metropolitan Statistical Areas ("MSAs") and Rural Service Areas ("RSAs"). All operations in the Lower 700 MHz band are generally regulated under the

framework of Part 27's technical, licensing, and operating rules. To permit both wireless services and certain new broadcast operations in the Lower 700 MHz band, however, the Commission has amended the maximum power limits in Part 27 to permit 50 kW effective radiated power ("ERP") transmissions in the Lower 700 MHz band, subject to certain conditions. Finally, the Commission established competitive bidding procedures and voluntary band-clearing mechanisms for the Lower 700 MHz band. On June 14, 2002, the Commission affirmed its decisions in the *Lower 700 MHz Report and Order*.

4. With respect to the MSA and RSA licenses, the Bureau notes that MSAs and RSAs are collectively known as Cellular Market Areas (CMAs). CMAs were created from the Metropolitan Statistical Areas ("MSAs") defined by the Office of Management and Budget (CMA001–CMA305), the Gulf of Mexico (CMA306), and Rural Service Areas ("RSAs") established by the FCC (CMA307–CMA734). These RSAs include parts of Puerto Rico not already in an MSA (CMA723–CMA729), U.S. Virgin Islands (CMA730–CMA731), Guam (CMA732), American Samoa

(CMA733), and Northern Mariana Islands (CMA734). The CMA designation, rather than MSA/RSA, is used in the FCC Automated Auction System and in the Universal Licensing System.

#### ii. Licenses To Be Auctioned

5. Auction No. 49 will offer 256 licenses in the Lower 700 MHz band C block (710–716/740–746 MHz) and D block (716–722 MHz). This auction will include 251 C block and five D block licenses that remained unsold in Auction No. 44, which closed on September 18, 2002. The C block is a 12-megahertz block consisting of a pair of 6-megahertz segments, which is licensed over various MSAs/RSAs. The D block is a 6-megahertz unpaired spectrum block, which is licensed over five 700 MHz Economic Area Groupings ("700 MHz EAGs"). A complete list of licenses available in Auction No. 49 and their descriptions is included in Attachment A of the *Auction No. 49 Procedures Public Notice*.

6. The following table contains the block/frequency cross-reference for the 710–716/740–746 MHz and 716–722 MHz bands:

Block	Frequencies	Bandwidth	Pairing	Geographic area type	Number of licenses
C .....	710–716, 740–746 .....	12 MHz .....	2 × 6 MHz .....	MSA/RSA .....	251
D .....	716–722 .....	6 MHz .....	unpaired .....	700 MHz EAG .....	5

**Note:** For Auction No. 49, licenses are not available in every market for the frequency blocks listed in the table. See Attachment A of the *Auction No. 49 Procedures Public Notice* to determine which licenses will be offered.)

#### A. Rules and Disclaimers

##### i. Relevant Authority

7. Prospective bidders must familiarize themselves thoroughly with the Commission's rules relating to the Lower 700 MHz band contained in title 47, part 27 of the Code of Federal Regulations, and those relating to application and auction procedures, contained in title 47, part 1 of the Code of Federal Regulations. Prospective bidders must also be thoroughly familiar with the procedures, terms and conditions (collectively, "terms") contained in the *Auction No. 49 Procedures Public Notice*; the *Auction No. 49 Comment Public Notices*; and the *Part 1 Fifth Report and Order*, 65 FR 52323 (August 29, 2000), (as well as prior and subsequent Commission proceedings regarding competitive bidding procedures).

8. Auction participants bidding on licenses in the 698–746 MHz spectrum band should also be familiar with the *Lower 700 MHz Notice of Proposed Rulemaking*, 66 FR 19106 (April 13, 2001), the *Lower 700 MHz Report and Order* and the *Lower 700 MHz MO&O*, 67 FR 45380 (July 9, 2002).

9. The terms contained in the Commission's rules, relevant orders, and public notices are not negotiable. The Commission may amend or supplement the information contained in our public notices at any time, and will issue public notices to convey any new or supplemental information to bidders. It is the responsibility of all prospective bidders to remain current with all Commission rules and with all public notices pertaining to this auction. Copies of most Commission documents, including public notices, can be retrieved from the FCC Auctions Internet site at <http://wireless.fcc.gov/auctions>. Additionally, documents are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW,

Room CY–A257, Washington, DC, 20554, or may be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY–B402, Washington, DC 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com). When ordering documents from Qualex, please provide the appropriate FCC document number (for example, FCC 01–364 for the *Lower 700 MHz Report and Order*).

##### ii. Prohibition of Collusion

10. To ensure the competitiveness of the auction process, the Commission's rules prohibit applicants for the same geographic license area from communicating with each other during the auction about bids, bidding strategies, or settlements. This prohibition begins at the short-form application filing deadline and ends at the down payment deadline after the auction. Bidders competing for licenses in the same geographic license areas are encouraged not to use the same individual as an authorized bidder. A violation of the anti-collusion rule could