

**§ 90.810 Bidding credits for small businesses.**

A winning bidder that qualifies as a small business, as defined in § 90.814(b)(1), or a consortium of small businesses may use a bidding credit of 15 percent to lower the cost of its winning bid on any of the blocks identified in § 90.617(d), Table 4B. A winning bidder that qualifies as a small business, as defined in § 90.814(b)(2), or a consortium of small businesses may use a bidding credit of 10 percent to lower the cost of its winning bid on any of the blocks identified in § 90.617(d), Table 4B.

**§ 90.813 [Amended]**

■ 45. Amend § 90.813 by replacing the reference to "The Bureau" in paragraph (c)(2)(ii) with "The Commission."

■ 46. Amend § 90.814 by revising paragraph (b) to read as follows:

**§ 90.814 Definitions.**

(b) A small business is an entity that either:

(1) Together with its affiliates, persons or entities that hold attributable interests in such entity, and their affiliates, has average gross revenues that are not more than \$3 million for the preceding three years; or

(2) Together with its affiliates, persons or entities that hold attributable interests in such entity, and their affiliates, has average gross revenues that are not more than \$15 million for the preceding three years.

■ 47. Revise § 90.815 to read as follows:

**§ 90.815 Records maintenance and definitions.**

(a) *Records maintenance.* All winning bidders qualifying as small businesses, shall maintain at their principal place of business an updated file of ownership, revenue and asset information, including any documents necessary to establish eligibility as a small business, pursuant to § 90.814, and/or a consortium of small businesses. Licensees (and their successors in interest) shall maintain such files for the term of the license.

(b) *Definitions.* The term *small business* used in this section is defined in § 90.814.

■ 48. Amend § 90.901 by revising the section heading to read as follows:

**§ 90.901 800 MHz SMR spectrum subject to competitive bidding.**

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■ 49. Revise § 90.910 to read as follows:

**§ 90.910 Bidding credits.**

A winning bidder that qualifies as a very small business, as defined in

§ 90.912(b)(2), or a consortium of very small businesses may use a bidding credit of 35 percent to lower the cost of its winning bid on Spectrum Blocks A through V. A winning bidder that qualifies as a small business, as defined in § 90.912(b)(1), or a consortium of small businesses may use a bidding credit of 25 percent to lower the cost of its winning bid on Spectrum Blocks A through V.

■ 50. Amend § 90.912 by removing paragraphs (b)(3) and (b)(4), and revising paragraph (b) introductory text to read as follows:

**§ 90.912 Definitions.**

\* \* \* \* \*

(b) *Small and very small businesses.*

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■ 51. Revise § 90.913 to read as follows:

**§ 90.913 Record maintenance and definitions.**

(a) *Records maintenance.* All winning bidders qualifying as small or very small businesses, shall maintain at their principal place of business an updated file of ownership, revenue and asset information, including any document necessary to establish eligibility as a small or very small business, as defined in § 90.912, and/or consortium of small businesses (or consortium of very small businesses). Licensees (and their successors in interest) shall maintain such files for the term of the license.

(b) *Definitions.* The terms *small and very small business* used in this section are defined in § 90.912.

■ 52. Revise § 90.1017 to read as follows:

**§ 90.1017 Bidding credits for small businesses and very small businesses.**

A winning bidder that qualifies as a small business, as defined in § 90.1021(b)(1), or a consortium of small businesses may use a bidding credit of 25 percent to lower the cost of its winning bid. A winning bidder that qualifies as a very small business, as defined in § 90.1021(b)(2), or a consortium of very small businesses may use a bidding credit of 35 percent to lower the cost of its winning bid.

■ 53. Amend § 90.1021 by removing paragraph (b)(3) and revising (b) introductory text to read as follows:

**§ 90.1021 Definitions concerning competitive bidding process.**

\* \* \* \* \*

(b) *Small and very small business.*

\* \* \*

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■ 54. Revise § 90.1023 to read as follows:

**§ 90.1023 Records maintenance and definitions.**

(a) *Records maintenance.* All winning bidders qualifying as small or very small businesses shall maintain at their principal place of business an updated file of ownership, revenue, and asset information, including any documents necessary to establish eligibility as a small business or very small business, as defined in § 90.1021, and/or consortium of small businesses (or consortium of very small businesses). Licensees (and their successors-in-interest) shall maintain such files for the term of the license. Applicants that do not obtain the license(s) for which they applied shall maintain such files until the grant of such license(s) is final, or one year from the date of the filing of their short-form application (FCC Form 175), whichever is earlier.

(b) *Definitions.* The terms *small and very small business* used in this section are defined in § 90.1021.

■ 55. Amend § 90.1103 by removing paragraphs (b)(3) and revising paragraphs (a) and (c) to read as follows:

**§ 90.1103 Designated entities.**

(a) This section addresses certain issues concerning designated entities in the Location and Monitoring Service (LMS) subject to competitive bidding.

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(c) A winning bidder that qualifies as a small business, as defined in paragraph (b)(1) of this section, or a consortium of small businesses may use the bidding credit specified in § 1.2110(f)(2)(ii) of this chapter. A winning bidder that qualifies as a very small businesses, as defined in paragraph (b)(2) of this section, or a consortium of very small businesses may use the bidding credit specified in § 1.2110(f)(2)(i) of this chapter.

**PART 95—PERSONAL RADIO SERVICE**

■ 56. The authority citation for part 95 continues to read as follows:

**Authority:** Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303.

■ 57. Amend § 95.816 by removing paragraph (c)(3) and revising paragraph (d) to read as follows:

**§ 95.816 Competitive bidding proceedings.**

\* \* \* \* \*

(d) *Bidding credits.* A winning bidder that qualifies as a small business, as defined in this subsection, or a consortium of small businesses may use the bidding credit specified in § 1.2110(f)(2)(ii) of this chapter. A winning bidder that qualifies as a very