

also seeks comment on reserve prices or minimum opening bids and other auction procedures for Auction No. 55.

**DATES:** Comments are due on or before October 1, 2003 and reply comments are due on or before October 8, 2003.

**ADDRESSES:** Comments and reply comments must be sent by electronic mail to the following address: [auction55@fcc.gov](mailto:auction55@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For legal questions: Robert Krinsky (202) 418-0660. For general auction questions: Lyle Ishida (202) 418-0660 or Lisa Stover (717) 338-2888. For service rule questions, contact the Commercial Wireless Division, Wireless Telecommunications Bureau, as follows: Evan Baranoff, Policy and Rules Branch, (202) 418-0620; Bettye Woodward, Licensing and Technical Analysis

Branch, (202) 418-1345; or Gary Devlin, Licensing and Technical Analysis Branch, (717) 338-2618.

**SUPPLEMENTARY INFORMATION:** This is a summary of the *Auction No. 55 Comment Public Notice* released on September 17, 2003. The complete text of the *Auction No. 55 Comment Public Notice*, including the attachments, is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. The *Auction No. 55 Comment Public Notice* may also 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).

## I. General Information

1. By the *Auction No. 55 Comment Public Notice*, the Wireless Telecommunications Bureau ("Bureau") announces the auction of 60 Major Trading Area ("MTA") licenses in the SMR Service in the 896-901 MHz and 935-940 MHz bands scheduled to commence on February 11, 2004 (Auction No. 55). The spectrum to be auctioned was previously associated with licenses that have been cancelled or terminated. A complete list of licenses available for Auction No. 55 is included as Attachment A of the *Auction No. 55 Comment Public Notice*.

2. The following table contains the channel block/frequency cross-reference for the 896-901 MHz and 935-940 MHz bands:

Channel block	Channel Nos.	Frequency (MHz)	Channel block	Channel Nos.	Frequency (MHz)
A .....	1-10	896.00625-896.13125 935.00625-935.13125	B .....	21-30	896.25625-896.38125 935.25625-935.38125
C .....	41-50	896.50625-896.63125 935.50625-935.63125	D .....	61-70	896.75625-896.88125 935.75625-935.88125
E .....	81-90	897.00625-897.13125 936.00625-936.13125	F .....	101-110	897.25625-897.38125 936.25625-936.38125
G .....	121-130	897.50625-897.63125 936.50625-936.63125	H .....	141-150	897.75625-897.88125 936.75625-936.88125
I .....	161-170	898.00625-898.13125 937.00625-937.13125	J .....	181-190	898.25625-898.38125 937.25625-937.38125
K .....	201-210	898.50625-898.63125 937.50625-937.63125	L .....	221-230	898.75625-898.88125 937.75625-937.88125
M .....	241-250	899.00625-899.13125 938.00625-938.13125	N .....	261-270	899.25625-899.38125 938.25625-938.38125
O .....	281-290	899.50625-899.63125 938.50625-938.63125	P .....	301-310	899.75625-899.88125 938.75625-938.88125
Q .....	321-330	900.00625-900.13125 939.00625-939.13125	R .....	341-350	900.25625-900.38125 939.25625-939.38125
S .....	361-370	900.50625-900.63125 939.50625-939.63125	T .....	381-390	900.75625-900.88125 939.75625-939.88125

**Note:** For Auction No. 55, licenses are not available in every market or for each channel block listed in the table. In one case, a license is available for only part of a market. See Attachment A of the Auction No. 55 Comment Public Notice, to determine which licenses will be offered.

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

authority, to seek comment on a variety of auction-specific procedures prior to the start of each auction. We therefore seek comment on the following issues relating to Auction No. 55.

## II. Auction Structure

### A. Simultaneous Multiple-Round Auction Design

4. The Bureau proposes to award all licenses included in Auction No. 55 in a simultaneous multiple-round auction. As described further this methodology offers every license for bid at the same time with successive bidding rounds in which bidders may place bids. We seek comment on this proposal.

### B. Upfront Payments and Bidding Eligibility

5. The Bureau has delegated authority and discretion to determine an

appropriate upfront payment for each license being auctioned, taking into account such factors as the population in each geographic license area and the value of similar spectrum. As described further, the upfront payment is a refundable deposit made by each bidder to establish eligibility to bid on licenses. Upfront payments related to the specific spectrum subject to auction protect against frivolous or insincere bidding and provide the Commission with a source of funds from which to collect payments owed at the close of the auction. In this case we have information available from the prior auction of 900 MHz SMR licenses (Auction No. 7). For Auction No. 55, we propose to calculate upfront payments on a license-by-license basis using the following formula: 5% (five percent) of the net amount of the winning bid in