

Abdallah, Evan Baranoff, Joanne Epps or Melvin Spann at (202) 418-0620.

SUPPLEMENTARY INFORMATION: This is a summary of the *Auction No. 49 Revised License Inventory Public Notice* released on January 29, 2003. The complete text of the *Auction No. 49 Revised License Inventory Public Notice*, including 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. 49 Revised License Inventory 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 email to qualexint@aol.com.

I. Background

1. In the *Auction No. 49 Comment Public Notice*, 67 FR 72946 (December 09, 2002), the Wireless Telecommunications Bureau ("Bureau")

announced the auction of 251 licenses in the Lower 700 MHz band C block (710-716/740-746 MHz) scheduled to commence on April 16, 2003 ("Auction No. 49"). The Bureau also sought comment on procedures for the auction of those licenses. In response to the *Auction No. 49 Comment Public Notice*, several commenters requested that the Bureau include the Lower 700 MHz band D block (716-722 MHz) licenses in Auction No. 49. By the *Auction No. 49 Revised License Inventory Public Notice*, the Bureau revises the auction inventory to include the five licenses in the Lower 700 MHz band D block (716-722 MHz band) that remained unsold in Auction No. 44. These five additional licenses, as well as the other licenses to be offered in Auction No. 49, are identified in Attachment A of the *Auction No. 49 Revised License Inventory Public Notice*. The *Auction No. 49 Revised License Inventory Public Notice* seeks comment on procedural issues related to the auction of the D block licenses. Also by the *Auction No. 49 Revised License*

Inventory Public Notice, the Bureau revises the starting date for Auction No. 49 to May 28, 2003, in order to provide additional time for bidder preparation and planning.

2. The Bureau has before it a Request for Waiver of Auction Procedures and Section 1.2109 of the Commission's Rules filed on October 2, 2002, by Banks Broadcasting, Inc. ("Banks") and a Petition to Promptly Resolve Waiver Request or Remove Four Licenses from Auction No. 49 Pending Resolution of Outstanding Waiver Request, filed by Banks on December 17, 2002. In these filings, Banks seeks to have the Bureau offer it four of the licenses listed in Attachment A of the *Auction No. 49 Revised License Inventory Public Notice*, based on high bids Banks formerly held on these licenses in Auction No. 44. The Bureau will respond to Banks's request in a separate Order.

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

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

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

II. Reserve Price or Minimum Opening Bid

3. For the five additional D block licenses offered in Auction No. 49, the Bureau proposes to use the same formula for calculating minimum opening bids as proposed in the *Auction No. 49 Comment Public Notice*. Specifically, for Auction No. 49, the Bureau has proposed the following license-by-license formula for calculating minimum opening bids:

$\$0.01 * \text{MHz} * \text{License Area Population}$
with a minimum of \$1,000 per license.

A complete list of all licenses to be offered in Auction No. 49 and the proposed minimum opening bid for each is set forth in Attachment A of the *Auction No. 49 Revised License Inventory Public Notice*. Comment is sought on this proposal. Alternatively, comment is sought on whether, consistent with the Balanced Budget Act of 1997, the public interest would be

served by having no minimum opening bid or reserve price.

III. Upfront Payments and Initial Maximum Eligibility for Each Bidder

4. For the five additional D block licenses offered in Auction No. 49, the Bureau proposes to use the same formula for determining upfront payments as previously proposed in the *Auction No. 49 Comment Public Notice*. Specifically, for Auction No. 49, the Commission has proposed the following license-by-license formula for calculating upfront payments:

$\$0.005 * \text{MHz} * \text{License Area Population}$
with a minimum of \$1,000 per license.

The specific upfront payment and bidding units for each license are set forth in Attachment A of the *Auction No. 49 Revised License Inventory Public Notice*. The Bureau seeks comment on this proposal.

5. For the additional licenses offered in Auction No. 49, the Bureau further proposes that the amount of the upfront payment submitted by a bidder will determine the number of bidding units on which a bidder may place bids. This limit is a bidder's "maximum initial eligibility." Each license is assigned a specific number of bidding units equal

to the upfront payment listed in Attachment A of the *Auction No. 49 Revised License Inventory Public Notice*, on a bidding unit per dollar basis. This number does not change as prices rise during the auction. Rather, a bidder may place bids on any combination of licenses as long as the total number of bidding units associated with those licenses does not exceed its maximum initial eligibility and the license was selected on the FCC Form 175. Eligibility cannot be increased during the auction. Thus, in calculating its upfront payment amount, an applicant must determine the maximum number of bidding units it may wish to bid on (or hold high bids on) in any single round, and submit an upfront payment covering that number of bidding units. The Bureau seeks comment on this proposal.

IV. Other Auction Procedural Issues

6. In the *Auction No. 49 Comment Public Notice*, the Bureau also set forth and sought comment on the following proposals relating to auction structure and bidding procedures: (i) Simultaneous multiple round auction design; (ii) activity rules; (iii) activity rule waivers and reducing eligibility; (iv) information relating to auction