

Needs and Uses: 47 CFR 73.3523 requires an applicant for a construction permit to obtain approval from the FCC to dismiss or withdraw its application when that application is mutually exclusive with a renewal application. This request for approval must contain a copy of any written agreement and an affidavit stating that it has not received any consideration (pre-Initial Decision), or it has not received any consideration in excess of legitimate and prudent expenses (post-Initial Decision) for the dismissal/withdrawal of its application. In addition, within 5 days of the applicant's request for approval, each remaining competing applicant and the renewal applicant must submit an affidavit certifying that it has not paid any consideration (pre-Initial Decision), or that it has not paid consideration in excess of legitimate and prudent expenses (post-Initial Decision) for the dismissal/ withdrawal of a competing application. The FCC staff uses the data to ensure that an application was filed under appropriate circumstances and not to extract payments prohibited by the Commission.

OMB Control Number: 3060-0561.

Title: Section 76.913, Assumption of Jurisdiction by the Commission.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: State, local or tribal government.

Number of Respondents: 10.

Estimated Time per Response: 8 hours.

Frequency of Response: On occasion reporting requirements.

Total Annual Burden: 80 hours.

Total Annual Cost: None.

Needs and Uses: 47 CFR section 76.913 permits a local franchising authority (LFA) that is unable to meet certification standards to petition the FCC to regulate the basic service cable rates of its franchisee. The FCC uses this information collected under this control number to identify situations where the Commission should exercise jurisdiction over basic service and equipment rates in place of local franchising authority. Without this information, the basic cable rates of some franchising areas, which are not subject to effective competition, would remain unregulated in contravention of the goals of the 1992 Cable Act.

Federal Communications Commission.

Marlene H. Dortch,
Secretary.

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FEDERAL COMMUNICATIONS COMMISSION

[Report No. AUC-03-55-B (Auction No. 55); DA 03-3235]

Auction of Licenses in the 900 MHz Specialized Mobile Radio ("SMR") Service Scheduled for February 11, 2004; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments and Other Auction Procedures

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces the procedures and minimum opening bids for the upcoming auction of licenses in the 900 MHz SMR Service. This document is intended to familiarize prospective bidders with the procedures and minimum opening bids for the auction.

DATES: Auction No. 55 is scheduled to begin on February 11, 2004.

FOR FURTHER INFORMATION CONTACT:

Auctions and Industry Analysis

Division: Legal questions: Robert Krinsky at (202) 418-0660. General auction questions: Lyle Ishida at (202) 418-0660 or Linda Sanderson at (717) 338-2888. *Media Contact:* Press inquiries: Chelsea Fallon at (202) 418-7991. *Commercial Wireless Division:* Legal questions: Evan Baranoff at (202) 418-7142. Technical questions: Bettye Woodward at (202) 418-1345 or Gary Devlin at (717) 338-2618.

SUPPLEMENTARY INFORMATION: This is a summary of the *Auction No. 55 Procedures Public Notice* released on October 17, 2003. The complete text of the *Auction No. 55 Procedures Public Notice*, including attachments, as well as related Commission 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 C-A257, Washington, DC, 20554. The *Auction No. 55 Procedures Public Notice* and related Commission documents 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. When ordering documents from Qualex, please provide the appropriate FCC document number (for example, FCC 95-395 for the *900 MHz Second Order on Reconsideration and Order*). The *Auction No. 55 Procedures Public Notice* and related documents are also

available on the Internet at the Commission's Web site: <http://wireless.fcc.gov/auctions/55/>.

I. General Information

A. Introduction

1. The *Auction No. 55 Procedures Public Notice* announces the procedures and minimum opening bids for the upcoming auction of licenses in the SMR Service scheduled for February 11, 2004 (Auction No. 55). On September 17, 2003, in accordance with the Balanced Budget Act of 1997, the Bureau released a public notice seeking comment on reserve prices or minimum opening bids and the procedures to be used in Auction No. 55. The Bureau received no comments in response to the *Auction No. 55 Comment Public Notice*, 68 FR 55955 (September 29, 2003).

i. Background of Proceeding

2. On April 17, 1995, the Commission released the *900 MHz Second Report and Order and Second Further Notice of Proposed Rule Making*, 60 FR 21987 (May 4, 1995), in which it adopted final service rules and requested comment on proposed auction rules for licensing 900 MHz SMR spectrum. On September 14, 1995, the Commission released the *900 MHz Second Order on Reconsideration and Seventh Report and Order*, 60 FR 48913 (September 21, 1995), adopting final auction rules for the 900 MHz SMR service. In 1996, the Commission concluded an auction of 900 MHz SMR licenses in Auction No. 7.

ii. Licenses To Be Auctioned

3. Auction No. 55 will offer 60 licenses based on Major Trading Areas ("MTAs"). The MTAs are based on the Rand McNally 1992 Commercial Atlas and Marketing Guide, 123rd Edition. The Commission Rand McNally and Company has authorized interested parties to use MTAs under a blanket license agreement, which covers certain services, including the 900 MHz SMR Service. The Commission uses 51 MTAs, which include the 47 established by Rand McNally, with the following exceptions and additions: Alaska is separated from the Seattle MTA and is licensed separately, Guam and the Northern Marianas Islands are licensed as a single MTA-like area; Puerto Rico and the U.S. Virgin Islands are licensed in a single MTA-like area; and American Samoa is licensed as a single MTA-like area. The spectrum to be auctioned was previously associated with licenses that have been cancelled or terminated. A complete list of the licenses available in Auction No. 55 is included in