



PUBLIC NOTICE

Federal Communications Commission

445 12th St., S.W.

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DA 15-1252

Released: November 19, 2015

**APPLICATION INSTRUCTIONS FOR
BROADCAST INCENTIVE AUCTION SCHEDULED TO BEGIN
ON MARCH 29, 2016**

**INSTRUCTIONS FOR FCC FORM 177 APPLICATION TO PARTICIPATE IN THE REVERSE
AUCTION (AUCTION 1001)**

AU Docket No. 14-252

I. GENERAL INFORMATION

1. By this Public Notice, the Wireless Telecommunications Bureau (“Bureau”) provides the filing instructions for the electronic FCC Form 177, the application for licensees of commercial and noncommercial educational full power and Class A television stations (“eligible broadcast licensees”) to participate in the reverse auction (Auction 1001).¹ Specifically, Attachment 1 to this Public Notice provides the filing instructions. Attachments 2 and 3 to this Public Notice provide the templates for the certification by prospective channel sharer(s) that a reverse auction applicant-sharee must provide when submitting a channel sharing agreement in an application.²

¹ See *Application Procedures for Broadcast Incentive Auction Scheduled to Begin on March 29, 2016; Technical Formulas for Competitive Bidding*, AU Docket No. 14-252, GN Docket No. 12-268, WT Docket No. 12-269, Public Notice, DA 15-1183, at 4, para. 2 n.6 (rel. Oct. 15, 2015) (*Auction 1000 Application Procedures PN*). Office of Management and Budget approval of the FCC Form 177 is pending. The FCC Form 177 filing window will open at 12:00 noon Eastern Time (“ET”) on December 8, 2015, and close at 6:00 p.m. ET on January 12, 2016. The electronic FCC Form 177 will be available when the filing window opens.

² See *id.* at 17, para. 42.

2. When filling out an FCC Form 177, you should follow the instructions in this Public Notice, along with the guidance provided in the *Auction 1000 Application Procedures PN*.³ You should also reference other public notices and/or decisions that have been issued in this proceeding, any future public notices and/or decisions that may be issued in this proceeding, and any other relevant public notices and/or decisions issued by the Commission in other proceedings that may relate to the incentive auction. Additional guidance, data, and information related to the broadcast incentive auction is available on the Auction 1000 website (<http://www.fcc.gov/auctions/1000>). Additionally, copies of these and other relevant documents are available at the FCC's headquarters located at 445 12th Street, SW, Washington, DC 20554 during normal business hours. A pre-auction process tutorial for the reverse auction will be available on November 20, 2015, and the reverse auction application process workshop will be held on December 8, 2015.

II. CONTACTS

3. For further information concerning Auction 1001, contact the offices listed below:

FCC Auctions Hotline	(888) 225-5322, option two; or
General Auction Questions	(717) 338-2868
Auction Process and Procedures	Hours of service: 8:00 a.m. – 5:30 p.m. ET, Monday through Friday
Auctions and Spectrum Access Division, Wireless Telecommunications Bureau	
For general auction questions:	Linda Sanderson at (717) 338-2868
For Auction 1001 (reverse) auction legal questions:	Erin Griffith or Kathryn Hinton at (202) 418-0660
Technical Support	(877) 480-3201, option nine; or (202) 414-1250
Electronic Filing	(202) 414-1255 (TTY)
FCC Auction System (Hardware/Software Issues)	Hours of service: 8:00 a.m. – 6:00 p.m. ET, Monday through Friday
Press Information	
For press questions:	Charles Meisch at (202) 418-2943
FCC Forms	(800) 418-3676 (outside Washington DC) (202) 418-3676 (in the Washington DC area) http://www.fcc.gov/formpage.html
Consumer and Governmental Affairs Bureau	(202) 418-0530
For Accessible Formats	(202) 418-0432 (TTY) fcc504@fcc.gov
Office of Communications Business Opportunities	(202) 418-0990
For questions concerning small business inquiries	http://www.fcc.gov/ocbo/

³ See generally *Auction 1000 Application Procedures PN*.

FCC Internet Sites

<http://www.fcc.gov/auctions/1000>

<http://www.fcc.gov/auctions/1001>

<http://www.fcc.gov>

<http://www.fcc.gov/auctions>

<http://www.fcc.gov/mb>

<http://apps.fcc.gov/ecfs/>

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ATTACHMENT 1

Reverse Auction Application Filing Instructions

I. APPLICATION PREPARATION AND SUBMISSION

1. The Commission's rules require that the applicant on the FCC Form 177 application to participate in the reverse auction be the broadcast television licensee of the eligible television station facility or facilities⁴ whose spectrum usage rights would be relinquished if it becomes a winning bidder.⁵ To complete the FCC Form 177, you must have the FCC Registration Number ("FRN") and password associated with each television station for which the applicant would like to become qualified to submit bids. You must also be prepared to provide, among other things, basic information about the applicant's legal classification, contact information, and authorized bidders; identify one or more relinquishment options for each station; disclose information about the applicant's ownership structure; and make certain certifications. Additional information about these requirements can be found in the *Auction 1000 Bidding Procedures PN* and *Auction 1000 Application Procedures PN*.⁶

4. Each applicant to participate in the reverse auction must submit its FCC Form 177 application electronically, via the Commission's bidding system ("Auction System").⁷ **Applications to participate in the reverse auction (Auction 1001) must be submitted and confirmed prior to 6:00 p.m. ET on January 12, 2016.**⁸ Late applications or unconfirmed submissions of electronic data will not be accepted.

⁴ See *Incentive Auction Task Force Releases Revised Baseline Data and Prices for Reverse Auction; Announces Revised Filing Window Dates*, AU Docket No. 14-252, GN Docket No. 12-268, WT Docket No. 12-269, Public Notice, DA 15-1296 (rel. Nov. 12, 2015) (*Revised Baseline, Prices and Filing Dates PN*); *Auction 1000 Application Procedures PN* at 4, para. 2.

⁵ 47 C.F.R. § 1.2204(b).

⁶ See generally *Broadcast Auction Scheduled to Begin March 29, 2016; Procedures for Competitive Bidding in Auction 1000, Including Initial Clearing Target Determination, Qualifying to Bid, and Bidding in Auctions 1001 (Reverse) and 1002 (Forward)*, AU Docket No. 14-252, GN Docket No. 12-268, WT Docket No. 12-269, Public Notice, 30 FCC Rcd 8975 (2015) (*Auction 1000 Bidding Procedures PN*); *Auction 1000 Application Procedures PN*; see also *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268, Report and Order, 29 FCC Rcd 6567 (2014) (*Incentive Auction R&O*) (modified by Erratum (rel. June 3, 2014)); 47 C.F.R. §§ 1.2200–.2209; *Revised Baseline, Prices and Filing Dates PN*.

⁷ To be eligible to apply for Auction 1001, a TV broadcaster must, among other things, be a licensee of a full power or Class A station. See *Incentive Auction R&O*, 29 FCC Rcd at 6716–17, paras. 352–53.

⁸ As discussed below, after the application has been submitted, a confirmation screen will be displayed that states the submission time and date, along with a unique file number.

5. As required by statute, the Commission will take reasonable steps to keep confidential all Commission-held data of applicants relating to their participation in the reverse auction, including their identities, at least until the release of the *Channel Reassignment PN*.⁹ The Commission further has provided in its rules for confidential treatment with respect to non-winning bids and bidders for another two years after the close of the auction.¹⁰ Additional information on the treatment of confidential auction-related information is available in the *Auction 1000 Bidding Procedures PN*.¹¹ Applicants should take care not to include any unnecessary sensitive information, such as Taxpayer Identification Numbers or Social Security Numbers, in an application.

6. You may make as many changes as you would like to an application from the time the initial application filing window opens at 12:00 noon ET on December 8, 2015, until the close of the initial filing window at 6:00 p.m. ET on January 12, 2016. Information in an application will not be considered by the Commission unless you click the **CERTIFY & SUBMIT** button on the *Certify & Submit* screen in the Auction System after providing the information required in the FCC Form 177.¹² Before the close of the filing window, you may withdraw a previously submitted application. To do so, you should click on the **Withdraw Application** icon on the *Auction Application Manager Review or Modify Existing Applications* screen. All previously-submitted data will be deleted.

A. Minimum Software Requirements

7. You must complete and submit an application using a personal computer or equivalent device. **Currently, the Apple® Mac OS®, smart phones, and tablets are not supported.** A web browser must be used to access the Auction System. Any of the following are recommended:

- Microsoft® Internet Explorer 9.0 or higher (compatibility mode is not supported; if you use an Internet Explorer browser, you must turn off compatibility mode in your browser's settings);
- Mozilla® Firefox®; or
- Google Chrome® 46.0.2490.80 or higher.

You must also have a PDF viewer. Adobe Acrobat Reader 5.0 or higher is recommended (available at no cost at <http://www.adobe.com>). The minimum screen resolution for the Auction System is 1024 x 768.

B. Logging On

8. You must use the applicant's FRN and associated password to log into the Auction System. To submit an application (FCC Form 177) to participate in the reverse auction electronically via the Internet, you should open a web browser and click on either of these links: <http://auctions.fcc.gov/> (primary location) or <http://auctions2.fcc.gov/> (secondary location). Once on the Auction System screen, you may enter the applicant's FRN and password and click the **LOG IN** button, which will take you to

9 47 U.S.C. § 1452(a)(3); *Incentive Auction R&O*, 29 FCC Rcd at 6783–84, paras. 527–29.

10 See *Auction 1000 Bidding Procedures PN*, 30 FCC Rcd at 9032, para. 106.

11 See *id.* at 9032, paras. 106–07.

12 In order to reduce technical complications, we encourage you to click buttons in the electronic application only once as you navigate through the electronic FCC Form 177.

the *My Auctions Page* screen. On this screen, you may create a new reverse auction application by clicking on the link **Click here to file FCC Form 177**, which is under the “Incentive Auctions” heading.¹³

C. Application Filing Instructions

9. The FCC Form 177 requests information used to determine whether the applicant is legally qualified to participate in the reverse auction.¹⁴ You must provide information or responses to questions on a series of screens concerning the following: (1) *Applicant Information*, (2) *Station Selection*, (3) *Ownership*, (4) *Summary*, and (5) *Certify & Submit*.

10. The *Applicant Information* screens are where you will provide basic information about the applicant, including its legal classification, contact information, responsible party (if applicable), authorized bidders, and method of bidding. The *Station Selection* screens are where you will provide information about each full power or Class A station that the applicant would like to become qualified to submit bids for in the reverse auction, relinquishment options for which the applicant would consider bidding for each station, and any channel sharing agreements for each station as a sharee. The *Ownership* screens are where you will provide information regarding parties with ownership or controlling interests in the applicant. The *Summary* screen provides an overview of an applicant’s FCC Form 177 that facilitates reviewing and revising specific information as well as an automated check for certain inconsistencies and omissions in submitted information. Finally, the *Certify & Submit* screen allows you to provide the required certifications and submit the application to the Commission. You may access any of these screens by clicking on the relevant section in the right window pane titled “Application Sections.” To expand a group of screens, click on the sideward-pointing triangle to the right of the section title. When you click on the relevant section, you will jump directly to that section. You will know if an item is clickable when the arrow cursor turns into a hand icon as you pass your mouse over it.

11. The sections you are required to complete (and thus the screens displayed for you as you move through the application) will depend on the information you provide. For example, a corporate applicant, unlike an individual applicant, must identify a corporate officer or director responsible for the application (called a responsible party). If an applicant identifies itself as an individual, no additional information is needed regarding an additional responsible party, and screens requesting responsible party information will not appear. However, if the applicant identifies itself as a corporation, subsequent screens in the FCC Form 177 will ask for responsible party information.

12. Similarly, the relinquishment options displayed on the form will vary depending on a station’s pre-auction band¹⁵ (e.g., if a station’s pre-auction band is “UHF,” then the form will display options “Go Off-Air,” “Move to Low-VHF Channel,” and “Move to High-VHF Channel,” but if a station’s pre-auction band is “Low-VHF,” then the form will display “Go Off-Air” as the only relinquishment option).

13. An applicant filling out FCC Form 177 must follow the instructions below. You can get additional help in filling out FCC Form 177 in two ways through the form itself: (1) by clicking on the

13 Clicking this link will take you to the *Auction Application Manager* screen, where you will be able to begin, review, modify, or withdraw your application.

¹⁴ 47 C.F.R. § 1.2204.

¹⁵ See *Auction 1000 Application Procedures PN* at 12–13, paras. 29–31; *Auction 1000 Bidding Procedures PN*, 30 FCC Rcd at 9009–10, para. 49.

Help link located in each section of the application and in the upper right of each screen, which will open Auction Application Online Filing Help; or (2) by clicking on the text of any **Common Questions** link appearing on the right side of the screen. The common questions displayed relate to the screen being viewed and may differ from screen to screen because the common questions are intended to be relevant to each specific screen. In the event the assistance provided by these sources is insufficient, you should use the contact information provided in this Public Notice and in the *Auction 1000 Application Procedures PN* to obtain additional assistance.¹⁶ You may also access the reverse auction tutorial regarding the pre-auction process, which will be available on November 20, 2015, on the Auction 1001 website (<http://www.fcc.gov/auctions/1001>). The interactive tutorial is designed to help familiarize potential applicants with accessing and navigating the Auction System as well as completing an electronic FCC Form 177.

1. Applicant Information

14. The Commission's rules require that the applicant on an FCC Form 177 must be the broadcast television licensee that would relinquish spectrum usage rights if it becomes a winning bidder.¹⁷ The *Applicant Information* screens are the first series of screens in FCC Form 177, in which you will provide basic information about the applicant including:

- the applicant's legal classification (e.g., individual, corporation, general partnership, etc.)
- the applicant's name, which will be used as the bidder name during the auction¹⁸
- citizenship for individuals or jurisdiction of formation for legal entities
- the applicant's address (physical location; a PO Box is **not** permitted)
- for applicants classified as legal entities (e.g., corporations and partnerships), the name, title, and contact information of the applicant's responsible individual¹⁹
- the name, address, telephone and fax number, and e-mail address of a contact person who will communicate with the Commission regarding the applicant's FCC Form 177²⁰

¹⁶ See *Auction 1000 Application Procedures PN* at 60–61, para. 188.

¹⁷ 47 C.F.R. § 1.2204(b).

¹⁸ See *id.*

¹⁹ Section 1.2204(c)(1) requires: the name if the applicant is an individual; the name and title of an officer or director if the applicant is a corporation; and the name and title of a responsible person if a partner in a general partnership is not a natural person. If none of the preceding, an applicant must identify and describe itself and its principals or other responsible persons.

²⁰ Commission staff will communicate only with an applicant's contact person or certifying official, as designated on the applicant's FCC Form 177, unless the applicant's certifying official or contact person notifies the Commission in writing that the applicant's counsel or other representative is authorized to speak on its behalf. Authorizations may be sent by e-mail to auction1001@fcc.gov. A fax number is required for a variety of purposes, including faxing confirmation information in the event an applicant

- the names, telephone numbers, and e-mail addresses of up to three persons authorized to bid for the applicant in the auction²¹
- the applicant's preference for electronic or telephonic bidding²²

15. *Legal Classification.* You must indicate the applicant's legal classification before continuing to subsequent screens because the legal classification will determine which subsequent screens will appear. For example, an applicant registering as an "Individual" will enter information that is different from the information that an applicant registering as a "Corporation" will enter. After selecting the appropriate legal classification, you should click the **SAVE & CONTINUE** button. Please note that if you later change your legal classification, some of your previously-entered applicant information will be deleted as a result of the change and will need to be reentered.

16. *Applicant Name and Applicant Address.* On the *Applicant Name/Applicant Address* screen, the data entry fields will depend on which legal classification you selected on the *Applicant Legal Classification* screen. For instance, if you selected "Individual" on the *Applicant Legal Classification* screen, you will be required to complete the First Name, Last Name, and Citizenship fields. The Middle Initial and Suffix fields are optional. If you selected "Corporation" on the *Applicant Legal Classification* screen, you will be required to complete the Entity Name and Jurisdiction of Formation fields. The applicant's name should be the same as the licensee name in the Commission's Licensing and Management System database. The name you enter will be used as the Bidder Name for purposes of the auction process.²³ All applicants will also be required to provide an address. A PO Box may **not** be used for an applicant's address. After completing the applicant's name and address information, you should click the **SAVE & CONTINUE** button.

17. *Responsible Party and Contact.* The screen that appears after the *Applicant Name/Applicant Address* screen will depend on which legal classification you selected on the *Applicant Legal Classification* screen. For example, if you selected "Individual" or "General Partnership" on the *Applicant Legal Classification* screen, you will be directed to the *Contact Information* screen, where you will be required to provide contact information for an individual that will be sent all correspondence concerning the application. If you selected any other entity on the *Applicant Legal Classification* screen, you will first be directed to the *Responsible Party* screen, where you will be required to provide contact

utilizes telephonic bidding.

21 See 47 C.F.R. § 1.2204(c)(2). Note that there may be circumstances in which reverse auction applicants might share the same authorized bidder. See, e.g., *Guidance Regarding the Prohibition of Certain Communications During the Incentive Auction, Auction 1000*, AU Docket No. 14-252, GN Docket No. 12-268, WT Docket No. 12-269, Public Notice, DA 15-1129, at 9, para. 20 (rel. Oct. 6, 2015) (*Prohibited Communications PN*).

22 Electronic bidding will be available via the Internet in the Auction System. Applicants that become qualified bidders will be provided the telephonic bidding telephone number as an option.

23 Since it identifies the applicant, the Bidder Name will be kept confidential in accordance with our statutory obligation and adopted rules. See 47 C.F.R. § 1.2206(b); *Incentive Auction R&O*, 29 FCC Rcd at 6732, para. 388.

information for an individual as the responsible party for that entity. After completing the *Responsible Party* screen, you will then be directed to the *Contact Information* screen. If you selected “Corporation” on the *Applicant Legal Classification* screen, you will not be required to provide address information for the responsible party.

18. To simplify filling out the FCC Form 177, an applicant that has the same address as its contact person or responsible party can click the **COPY APPLICANT ADDRESS** button to automatically fill in the contact person’s or responsible party’s address. A PO Box may **not** be used for a contact person’s or responsible party’s address. After completing the contact person’s or responsible party’s name and address information, you should click the **SAVE & CONTINUE** button.

19. *Authorized Bidders*. You must provide the name, phone number, and e-mail address for each of the applicant’s authorized bidders who are authorized to place bids for the applicant in the auction. You must identify at least one authorized bidder, and no more than three.²⁴ An applicant may change its authorized bidders at a later date. Authorized bidders listed on the FCC Form 177 will receive a designated SecurID[®] token, which will be used by them to place bids for the applicant during the auction, along with instructions on how to use them.

20. The FCC Form 177 also requires you to specify whether the applicant primarily intends to place bids electronically or telephonically during the auction. Any qualified bidder may bid either via the Internet or by telephone during the auction and may change methods as needed or desired. Specifying a preference for electronic or telephonic bidding assists the Commission in determining the staff required in this auction for telephonic bidding.

21. When all of the Applicant Information has been completed, you should click the **SAVE & CONTINUE** button.

2. Station Selection

22. The *Station Selection* screens make up the second series of screens in the FCC Form 177. In these screens, you must provide the information required for each broadcast station that the applicant would like to become qualified to submit bids for in the reverse auction and every relinquishment option for which it would consider bidding for that station.²⁵ If an applicant wishes to become qualified to submit bids for more than one of its stations, it must include all of the stations it wishes to bid for on a single FCC Form 177 application. Listing a station on FCC Form 177 does not obligate the applicant to bid on that station, but an applicant will only be able to later bid on a station that it lists on its FCC Form 177.²⁶ There will be no opportunity for an applicant to select additional stations after the reverse auction application filing deadline.²⁷

²⁴ See *Auction 1000 Application Procedures PN* at 12, para. 28. As suggested above, for each additional authorized bidder you wish to add to your application, you should click the **ADD** button only once per additional authorized bidder.

²⁵ See *id.* at 12–13, paras. 29–31; *Auction 1000 Bidding Procedures PN*, 30 FCC Rcd at 9009–10, para. 49.

²⁶ See *Auction 1000 Application Procedures PN* at 31, para. 31. Bidding includes making an initial bid commitment.

23. You must also identify at least one relinquishment option per selected station. Until a station and relinquishment option is selected, the applicant cannot submit the FCC Form 177. An applicant's station and relinquishment selections cannot be changed after the close of the initial filing window on January 12, 2016, at 6:00 p.m. ET. Therefore, during the initial filing window, it is important to carefully review the station selections to make sure each station and relinquishment option on which the applicant may wish to bid have been selected. Relinquishment options that are not selected in a submitted application will not be available to bid on in the reverse auction.

24. *Station Selection Screen.* The first *Station Selection* screen contains a list of all the full power and Class A television stations associated with the applicant's FRN. Only those stations that are available for participation in the auction will display a **SELECT** button. You may select any of the available stations from the *Associated Stations* list to add to the application. A station can be selected by clicking the **SELECT** button for each eligible station.

25. *Station Information.* Once you have selected a particular station, you will see the station-specific information on the *Station Information* screen. This screen displays the following information: Call Sign, Facility ID, Channel, and Facility Type for the selected station.

26. If the station is a full power station, you will be required to indicate whether the station is noncommercial educational and, if so, whether the station operates on a reserved or non-reserved channel.²⁸ You will also see checkboxes asking whether the license for the station is subject to a non-final revocation order and whether the license for the station has expired or been cancelled and is now subject to a non-final license cancellation order.²⁹ Your selections here will determine the types of station-specific certifications that will be required by the applicant. After providing all required information and making the appropriate selections, you should click the **SAVE & CONTINUE** button.

27. If the station is a Class A Station, you will see checkboxes asking whether the license for the station is subject to a non-final revocation order; whether the license for the station has expired or been cancelled and is now subject to a non-final license cancellation order; and whether the license for the station is subject to a non-final downgrade order.³⁰ Your selections here will determine the types of station-specific certifications that will be required by the applicant. After making the appropriate selections, you should click the **SAVE & CONTINUE** button.

28. *Relinquishment Options.* After saving the station information, you will continue to a screen that allows you to choose relinquishment option(s) for the station that was selected from the *Station*

²⁷ 47 C.F.R. § 1.2204(d)(3).

²⁸ See *Auction 1000 Application Procedures PN* at 11, para. 25.

²⁹ See *id.* at 18, para. 46.

³⁰ See *id.*

Selection screen.³¹ The relinquishment options displayed on the form will vary depending on the station's pre-auction band.³²

29. All applicants will be able to select "Go Off-Air" as an option for any station. An applicant that intends to relinquish the spectrum usage rights of a station in order to share a channel with another station post-auction should select to "Go Off-Air" for that station.³³ As explained in the *Auction 1000 Bidding Procedures PN*, the auction system will treat the intention to relinquish spectrum usage rights in order to channel share as a sharee the same as a bid to "Go Off-Air."³⁴

30. If "Go Off-Air" is selected as a relinquishment option, you will be required to respond to an additional question about whether the applicant will control another broadcast station after the auction if it becomes a winning bidder for all of its stations for which it has selected the "Go Off-Air" relinquishment option.

31. Depending on the station's pre-auction band, you will also see options to move the station to a lower frequency band in addition to the "Go Off-Air" option. For instance, for stations currently operating in the UHF Band, you will also see the options to "Move to Low-VHF Channel" and to "Move to High-VHF Channel." For stations located in the High-VHF Band, you will see the additional option to "Move to Low-VHF Channel." For stations located in the Low-VHF Band, you will only see the option to "Go Off-Air."

32. You are required to select at least one relinquishment option for each selected station, but may select more than one relinquishment option. If the applicant wishes to preserve flexibility to bid for all options in the auction for this station, you should select all of the available options.³⁵ We emphasize that an applicant is not required to select any particular relinquishment option on its FCC Form 177,³⁶ but options not selected on the FCC Form 177 will not be available to bid on in the reverse auction.³⁷ For instance, if a bidder is bidding to "Go Off-Air," it cannot later bid to switch to "Move to Low-VHF

31 See *id.* at 12–13, paras. 29–31; *Auction 1000 Bidding Procedures PN*, 30 FCC Rcd at 9009–10, para. 49.

32 See *Auction 1000 Application Procedures PN* at 12–13, paras. 29–31; *Auction 1000 Bidding Procedures PN*, 30 FCC Rcd at 9009–10, para. 49.

33 See *Auction 1000 Bidding Procedures PN*, 30 FCC Rcd at 9009, para. 50; see also 47 U.S.C. § 1452(a)(2) (providing that options available in the reverse auction shall include a bid to relinquish usage rights in order to share a channel with another licensee).

34 See *Auction 1000 Bidding Procedures PN*, 30 FCC Rcd at 9009, para. 50. From the perspective of the auction system, a channel sharing bid is identical to a license relinquishment bid because in both cases the licensee will relinquish a full six megahertz of spectrum usage rights. *Id.*

35 An applicant that does not select the "Go Off-Air" option on its FCC Form 177 will see a pop-up message explaining that selecting "Go Off-Air" would increase the likelihood that the applicant can participate in the auction because, in contrast to a move-to-VHF bid, the auction system can accommodate a "Go Off-Air" bid without having to find another channel for the applicant. Applicants are not required to select or bid on the "Go Off-Air" option. Likewise, selecting that option does not guarantee participation or becoming a winning bidder.

Channel” if it did not select the “Move to Low-VHF Channel” option on its FCC Form 177. **Please note that you will not be able to modify your relinquishment option selection(s) after the reverse auction application deadline.**³⁸ Once you have selected one or more relinquishment options for this station, you should click the **SAVE & CONTINUE** button. As noted below, you will have the option to repeat the process of selecting relinquishment options for other stations you selected in the *Station Selection* screen after you have provided the necessary channel sharing agreement information and completed the required certifications for a particular station.

33. *Channel Sharing Agreement.* After saving your relinquishment option(s) information, you will be directed to the *Channel Sharing Agreement* screen for the selected station. You will be asked whether the applicant has a present intent to enter into a channel sharing agreement for the particular station as a sharee after the incentive auction. An applicant’s response to this question will determine whether it may enter into a post-auction channel sharing agreement as a sharee in connection with the auction.³⁹ Next, you will be asked whether the applicant has entered into one or more executed channel sharing agreement(s) for the station at issue as a sharee. You are required to answer each question on the *Channel Sharing Agreement* screen. Note that the questions are only with respect to whether the applicant intends to enter into an agreement for the station as a sharee or has executed channel sharing agreements for the station as a sharee. If the applicant only intends to enter into an agreement for the station as a sharer or has executed channel sharing agreements for the station only as a sharer, the correct response to the relevant question is “No.” Since the system will treat the intention to relinquish spectrum usage rights in order to channel share as a sharee the same as a bid to “Go Off-Air,” an applicant that answers “Yes” to either of these channel sharing questions should have selected the “Go Off-Air” relinquishment option. Your responses to these channel sharing questions cannot be modified after the initial filing window.

34. Note that you may answer “Yes” to both of these questions in order to preserve the option to enter into a post-auction channel sharing agreement as a sharee even if the applicant is also submitting an executed pre-auction channel sharing agreement as a sharee. Or, an applicant may not indicate a present

36 Even if an applicant selects a station and all of that station’s available relinquishment options on the FCC Form 177, the applicant does not have to make an initial commitment for that station. Similarly, should the applicant select all of the relinquishment options for a given station on its FCC Form 177, it may choose which option to commit to as its preferred option at the time it makes an initial commitment, assuming that the applicant becomes qualified to bid on that station in the auction.

37 See *Auction 1000 Application Procedures PN* at 13, para. 31.

38 The information provided on this screen may only be modified during the initial filing window.

39 The expression of present intent will not bind an applicant to seek out a channel sharing partner or enter into a post-auction channel sharing agreement as a sharee. See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions; Channel Sharing by Full Power and Class A Stations Outside the Broadcast Television Spectrum Incentive Auction*, GN Docket No. 12-268, MB Docket No. 15-137, First Order on Reconsideration and Notice of Proposed Rulemaking, 30 FCC Rcd 6668, 6672–75, paras. 11–18 (rel. June 12, 2015) (*First Order on Reconsideration*) (modified by Erratum (rel. July 7, 2015)).

intent to enter into a post-auction channel sharing agreement as a sharee and yet submit a pre-auction executed channel sharing agreement as a sharee that it will utilize after the auction.

35. If you answer “Yes” in response to the question regarding if the applicant has entered into an executed channel sharing agreement as a sharee, an additional section will be displayed that requires you to enter information for each licensee with which the applicant has an executed channel sharing agreement as a sharee. Information regarding multiple licensees can be entered.⁴⁰ Once you have responded to the channel sharing agreement questions and provided all required information, you should click the **SAVE & CONTINUE** button.

36. *Channel Sharing Attachments.* If the applicant has entered into an executed channel sharing agreement for the station as a sharee, you must upload at least two channel sharing attachments—a channel sharer certification⁴¹ and an unredacted copy of the executed channel sharing agreement⁴²—before the application can be submitted. Since an applicant may be a party to more than one channel sharing agreement as a sharee,⁴³ it is possible that you will need to upload more than two attachments for a selected station. You must upload each executed channel sharing agreement to which the station is a party as a sharee; and you must upload a channel sharer certification document for each potential channel sharer in each executed channel sharing agreement. A channel sharer should use the relevant certification template in Attachment 2 (full power sharer) or Attachment 3 (Class A sharer) of this Public Notice. The *Station Attachments* screen for adding these station-specific channel sharing attachments to FCC Form 177 will display following the channel sharing agreement information.

37. You do not need to enter into or upload an executed channel sharing agreement as a sharee if the selected station will share a channel with a commonly-owned or controlled station. In place of a channel sharing agreement, you must upload a statement explaining how the stations subject to the channel sharing arrangement are commonly owned or controlled and that no written channel sharing agreement is required. You should select “Channel Sharing Agreement” as the “Type” of document when you upload that statement. You must still upload the channel sharer certifications on behalf of any sharer(s) that is party to the commonly-owned or controlled channel sharing arrangement.

40 As suggested above, for each additional licensee you wish to add, you should click the **ADD** button only once per additional licensee.

41 47 C.F.R. § 1.2204(c)(5). A template that should be used for the certification for full power station sharers is appended to this Public Notice as Attachment 2, and the certification template for Class A station sharers is appended to this Public Notice as Attachment 3.

42 47 C.F.R. § 1.2204(c)(5).

43 This could be true if, for instance, more than one of the licensee’s stations has entered into a channel sharing agreement as a sharee, or if a station has entered into a back-up channel sharing agreement as a sharee. See *First Order on Reconsideration*, 30 FCC Rcd at 6672–75, paras. 11–18; *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions; Channel Sharing by Full Power and Class A Stations Outside the Broadcast Television Spectrum Incentive Auction Context*, GN Docket No. 12-268, MB Docket No. 15-137, Second Order on Reconsideration, FCC 15-139 (rel. Oct. 21, 2015).

38. The *Station Attachments* screen requests information regarding the type of attachment to be added, the name of the file to be attached, and a brief description of the attachment. Once the requested information is provided, you can add the attachment to the application by clicking the **UPLOAD FILE** button. A list of any attachments already uploaded will appear at the bottom of the screen.

39. You may upload attachments in a variety of file formats, including Word (.doc and .docx), Adobe PDF (.pdf), and text files (.txt and .odt).⁴⁴ You must, however, verify that the files contain all attachment information, and files may be no larger than 10 Mb and must not be password-protected. Graphics files (e.g., .bmp, .tiff, .jpg) are not supported. Spreadsheets (.xls, .xlsx, and .csv) are supported but are not recommended. Once all attachments are uploaded, you should click the **CONTINUE** button. After the reverse auction application filing deadline, an application attachment may not be deleted or withdrawn.

40. *Error Summary*. After you have provided all of the applicable *Station Information* for a particular station, you will be shown an *Error Summary* screen for that station. The *Error Summary* screen displays a summary of the errors that need to be addressed before continuing on to the *Channel Sharing Agreement Certifications* screen, if applicable, and the *Station Specific Certifications* screen. You can go to the error(s), if any, by clicking on the section name listed. You should make any necessary corrections. An error will be removed from the *Error Summary* screen once it is corrected. If there are no errors for that station, the *Error Summary* screen will show “No errors.” Once there are “No errors” in the *Error Summary* screen, you should click the **CONTINUE** button.

41. *Channel Sharing Agreement Certifications*. After resolving any errors, you will be directed to the *Channel Sharing Agreement Certifications* screen if you have indicated that the applicant has entered into an executed channel sharing agreement for a particular station as a sharee. This screen lists the certifications required of all applicants that have indicated that they have entered into an executed channel sharing agreement for a particular Facility ID (station) as a sharee. On this screen, the applicant’s certifying official must be identified and sign the application certifying:

- that the channel sharing agreement is consistent with all Commission rules and policies, and that the applicant accepts any risk that the implementation of the channel sharing agreement may not be feasible for any reason, including any conflict with requirements for operation of the shared channel;⁴⁵
- that the applicant’s operation from the shared channel facilities will not result in a change to its Designated Market Area;⁴⁶
- that the proposed channel sharing arrangement will not violate the multiple ownership rules, set forth in 47 C.F.R. § 73.3555, based on the facts at the time the application is submitted;⁴⁷ and

44 Any files uploaded will be automatically converted to a .pdf format.

45 47 C.F.R. § 1.2204(c)(5)(iii).

46 *Id.* § 1.2204(c)(5)(iv).

47 *Id.* § 1.2204(c)(5)(vi). The certification is required of each applicant, regardless of whether the applicant is subject to the particular multiple ownership rules.

- that the applicant can meet the community of license coverage requirement set forth in 47 C.F.R. § 73.625(a) from the shared channel facilities or, if not, that the new community of license for its shared channel facilities either meets the same or a higher allotment priority as its current community; or if no community meets the same or higher allotment priority, provides the next highest priority.⁴⁸

42. The following statement will always display: I declare, under penalties of perjury, that I am an authorized representative of the above named applicant for the station specified above, that I have read the instructions and the foregoing certifications and all matters and things stated in the channel sharing agreement and attachments are true and correct.

43. You will be required to complete the First Name, Last Name, and Title fields to identify the individual making the certification. The Middle Initial and Suffix fields are optional. The signature field populates based on the text from the First Name, Middle Initial, Last Name, and Suffix fields. As noted in the *Auction 1000 Application Procedures PN*, the person who makes the channel sharing certifications on behalf of the applicant may be a different person than the person who makes all other required certifications in the applicant's FCC Form 177.⁴⁹

44. When all of the channel sharing agreement certification information has been completed, you should check the box certifying that the application includes all required channel sharing attachments and click the **CERTIFY** button.

45. *Station Specific Certifications*. Upon completing the channel sharing agreement certifications, if applicable, you will continue to the *Station Specific Certifications* screen for the station that was selected from the *Station Selection* screen. If you indicated that the applicant has not entered into an executed channel sharing agreement for that particular station as a sharee, you will continue to the *Station Specific Certifications* screen directly after the *Error Summary* screen. The content on the *Station Specific Certifications* screen is based on selections made for a particular Facility ID (station).

46. If the station is a Class A station, the following statement will display: that, pursuant to 47 C.F.R. § 1.2204(c)(3)(iii), the applicant is and will remain in compliance with the ongoing statutory eligibility requirements to remain a Class A station.

47. If you selected any of the proceedings or orders on the *Station Information* screen, the following statement will display: that, pursuant to 47 C.F.R. § 1.2204(c)(3)(vi), the applicant agrees with the Commission's announced procedures to withhold all of any incentive payment for the station pending the final outcome of the proceeding or order.

48. If you selected "Go Off-Air" as a bid option and the applicant will control another broadcast station, the following statement will display: that, pursuant to 47 C.F.R. § 1.2204(c)(4), the applicant will remain subject to any license renewal, as well as any enforcement action, pending at the time of the auction application deadline against the station offered.

49. If you selected "Go Off-Air" as a bid option and the applicant will not control another broadcast station, the following statement will display: that, pursuant to 47 C.F.R. § 1.2204(c)(4), the applicant agrees (1) that pursuant to the Commission's announced procedures for resolving such matters in connection with this auction, the Commission may withhold a portion of the share of auction proceeds

48 *Id.* § 1.2204(c)(5)(v).

49 *Auction 1000 Application Procedures PN* at 17, para. 43.

for the station, if any, pending final determination of any FCC liabilities with respect to the station and such portion may be applied towards the satisfaction of such liabilities; and (2) to remain subject to the Commission's jurisdiction and authority to impose enforcement or other FCC liabilities with respect to the station, notwithstanding the surrender of its license for the station.

50. If the station is **not** a Class A station and you did not select any of the proceedings or orders on the *Station Information* screen and did not select "Go Off-Air" as a bid option, the following statement will display: that there are no station-specific certifications for the station selected required in 47 C.F.R. § 1.2204(c)(3)(iii), (c)(3)(vi), or (c)(4).

51. The following statement will always display: I declare, under penalties of perjury, that I am an authorized representative of the above named applicant for the station specified above, that I have read the instructions and the foregoing certification(s) and all matters and things stated in the station information and attachments are true and correct.

52. You will be required to complete the First Name, Last Name, and Title fields. The Middle Initial and Suffix fields are optional. The signature field populates based on the text from the First Name, Middle Initial, Last Name, and Suffix fields.

53. When all the station-specific certification information has been completed, you should click the **CERTIFY** button.

54. Once you have completed all required certifications for a station, you will be directed back to the *Station Selection* screen. Stations that you have selected will appear at the bottom of the *Station Selection* screen in the *Stations Selected* list. You can edit or remove any of the selected stations by clicking on the **OPEN** or **REMOVE** button beside the station.

55. To add a station to the *Stations Selected* list, you should repeat the process described above by clicking the **SELECT** button next to the station you wish to add from the *Associated Stations* list and providing the relevant station information, relinquishment options, channel sharing information, if applicable, and certifications for that station.

56. The *Station Selection* screen will identify whether a selected station has been certified or has not been certified. A selected station will have a status of "Certified" when all necessary *Station Selection* information has been entered and all station-specific attachments and certifications have been submitted. If a station has a status of "Uncertified," you will not be able to make the application-level certifications or submit your FCC Form 177. When all the station selections have been made and each selected station has a status of "Certified," you should click the **CONTINUE** button.

3. Ownership

57. The *Ownership* screens are the third series of screens in the FCC Form 177. In these screens, you will provide information regarding parties with ownership or controlling interests in the applicant that must be disclosed pursuant to Commission rules relevant to auction applicants.

58. *Information Already on File with the Commission.* Some applicants may have filed a short-form application (FCC Form 175) for a previous auction disclosing ownership information. To simplify filling out the FCC Form 177, ownership information from a previously filed FCC Form 175 will automatically be entered into the applicant's reverse auction application, if it is in an electronic format compatible with the reverse auction application (FCC Form 177) (i.e., was filed for a previous auction using the Auction System). Please note that FCC Form 323 (ownership report for commercial broadcast stations) is not compatible with FCC Form 177 and the disclosure requirements vary between the two

forms. Therefore, information provided to the Commission on that form will **not** be automatically entered into an applicant's reverse auction application.

59. Each applicant is responsible for information submitted in its FCC Form 177 being complete and accurate. An applicant must carefully review any information that may have been automatically pre-filled into its application to confirm that all information is complete and accurate as of the deadline for submitting reverse auction applications. Information must be corrected directly in the FCC Form 177. After the deadline for filing reverse auction applications, the ownership information provided in an applicant's submitted FCC Form 177 will be considered to be the applicant's most current information on file with the Commission for this auction.

60. *View/Edit Ownership Disclosure Information.* The first *Ownership* screen is the *View/Edit Ownership Disclosure Information* screen, which summarizes any ownership information already entered in the FCC Form 177, either automatically from compatible ownership information on file with the Commission (e.g., from a previously filed FCC Form 175) or directly by the applicant. Ownership information is divided into two groups: (1) disclosable interest holders ("DIHs") of the applicant; and (2) FCC-regulated businesses ("FRBs") of the applicant. Completion of information regarding FRBs is **not** required and can be left blank. The *View/Edit Ownership Disclosure Information* screen also enables the applicant to add information regarding either a DIH or, if volunteered, an FRB in which the applicant, or a party with a 10 percent or more ownership interest in the applicant, has an interest.

61. As laid out in sections 1.2112(a) and 1.2204(c)(1) of the Commission's Part 1 competitive bidding rules, an interest holder disclosable in the FCC Form 177 generally includes any individual or entity that directly or indirectly owns and/or controls the applicant including, but not limited to:

- any party holding 10 percent or more of stock in the applicant, whether voting or non-voting, common or preferred, including the specific amount of the interest or percentage held;
- in the case of a limited partnership, each limited partner whose interest in the applicant is 10 percent or greater;
- in the case of a general partnership, each partner and its share in the partnership;
- in the case of a limited liability company, each member whose interest in the applicant is 10 percent or greater;
- in the case of a noncommercial educational station, each member of the governing board and of any educational institution or governmental entity with a controlling interest in the applicant, if applicable;⁵⁰ and
- all parties holding indirect ownership interests in the applicant that equals 10 percent or more of the applicant as discussed below.⁵¹

62. These interest holders differ from the types of interest holders that are reported by broadcast applicants under Part 73 of the rules in conjunction with licensing and assignment and transfer of facilities or reporting of ownership information. **The Part 1 rules require that certain holders of both direct and indirect interests must be reported, which may include insulated interest holders and holders of non-voting stock/equity in the applicant.**⁵² Non-profit entities must provide the information required by

50 A governing board member DIH should check "Other" as its "Disclosable Interest Holder Type."

51 47 C.F.R. §§ 1.2112(a), 1.2204(c)(1).

section 1.2204(c)(1)(iii) as disclosable interest holders.⁵³ Reverse auction applicants are not required to complete the FCC Form 177 fields for FRBs held by the applicant or any of its DIHs; disclosure of any FRB information is optional for reverse auction applicants.

63. To view the detailed information submitted regarding a DIH (or an FRB), click on the relevant party's name. To delete existing information in one of the categories, click on the relevant party's name and then click the **DELETE** button next to the name.

64. To add a DIH (or an FRB), click on the relevant **ADD** button. Each screen will specify the information that the applicant must provide. Once all ownership information has been entered, you should click the **CONTINUE** button.

65. *Add Disclosable Interest Holder.* If you click the **ADD** button in the *View/Edit Ownership Disclosure Information* screen to add a DIH, you will be directed to the *Add Disclosable Interest Holder* screen. This screen asks you to provide information on the type of DIH (i.e., entity or individual), contact information for the DIH, type of interest the DIH has in the applicant, percent of interest held in the applicant, and the DIH's jurisdiction of formation (for an entity) or citizenship (for an individual).⁵⁴

66. The "Percent of Interest Held in Applicant" should reflect the DIH's aggregate ownership interests in the applicant (both direct and indirect). Section 1.2112(a)(6) of the Commission's rules requires that, when listing a party holding an indirect ownership interest in the applicant, that DIH's interest is to be reported as determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain, that equals 10 percent or more of the applicant, except that if the ownership percentage for an interest in any link in the chain exceeds 50 percent or represents actual control, it shall be treated and reported as if it was a 100 percent interest.⁵⁵ In some cases, e.g., circumstances where there is joint ownership or indirect ownership resulting in different owners sharing the same ownership interests, the sum of all the percentages held by DIHs may exceed 100 percent. In other cases, a DIH may have a zero percent ownership interest in the applicant.

67. After completing the necessary information for a DIH, you should click the **SAVE & CONTINUE** button. This will direct you to the *Information for DIH* screen, which will summarize the information you submitted for a particular DIH. To edit any information entered for a DIH, click the **OPEN** button next to the section you wish to amend. This screen also provides a link that will enable you to add an FRB directly to an existing DIH, without needing to reenter the DIH's information.⁵⁶ After you have confirmed the accuracy of the information on the *Information for DIH* screen, you should click the **CONTINUE** button to save the information.

52 *Id.* § 1.2112(a)(1)–(6).

53 *Id.* § 1.2204(c)(iii).

54 Provision of a DIH's FRN is not required.

55 *See* 47 C.F.R. § 1.2112(a)(6).

56 As mentioned above, disclosure of any FRB information on the FCC Form 177 is voluntary.

68. If you include one or more DIHs with an indirect ownership interest in the applicant, you will have to submit an attachment to the application before you will be permitted to certify and submit the application.⁵⁷ For this purpose, you must select the “Indirect Ownership” attachment type from the dropdown when uploading your attachment. You may, but are not required to, use the “Indirect Ownership” attachment to describe the relationship between the indirect interest holder(s) and the applicant, which may assist the Commission’s review of the application. Such an attachment should provide an overview of the ownership chain that links the indirect owner(s) to the applicant and may include a chart depicting the applicant’s ownership structure, e.g., indirect owners X and Z own 50 percent of holding company Y and holding company Y owns 100 percent of the applicant. You should provide only one attachment connecting all indirect owners to the applicant. The information in the attachment should be consistent with the information already provided in the data fields of the FCC Form 177.⁵⁸

69. If you choose not to provide a separate description of the relationship between the indirect interest holder(s) and the applicant, you should upload an “Indirect Ownership” attachment to the application that states: “Not applicable.”

70. *Add FCC Regulated Business.* **You are not required to provide any information in the FCC Form 177 concerning the applicant’s FRB(s) or any DIH’s FRB(s).** If you choose to provide information concerning an applicant’s FRB(s), you can access the *Add FCC Regulated Business of Applicant* screen by clicking the **ADD** button in the *View/Edit Ownership Disclosure Information* screen. If you choose to provide information concerning a DIH’s FRB(s), you can access the *Add FCC Regulated Business of DIH* screen by clicking the **ADD BUSINESS** button under the applicable DIH entry in the *View/Edit Ownership Disclosure Information* screen. If you choose to add an FRB at either the applicant or DIH level, you will be required to provide the name of the FRB, its principal business, and percent of interest held. “Percent of Interest Held” refers to the percent of interest held by the applicant or DIH, as applicable, in the FRB.⁵⁹

4. Summary

71. The *Summary* screen is the fourth section in FCC Form 177 and summarizes the information you provided in the previous screens. This screen will appear prior to the *Certify & Submit* screen, in order to permit you to review all the information entered in previous screens and to provide an opportunity to check for certain inconsistencies or omissions in the information within the FCC Form 177.

⁵⁷ See § I.C.5 (Attaching Additional Information).

⁵⁸ You may also provide in this attachment any additional information you believe will assist Commission staff in reviewing the ownership information provided. For example, if the disclosed equity interest in a corporate applicant does not equal 100 percent because numerous shareholders have interests below the 10 percent threshold, this can be explained in the attachment.

⁵⁹ To simplify filling out the FCC Form 177, you can click on the **Select Entities Already Entered** link when voluntarily disclosing an FRB previously entered as an FRB for the applicant or another DIH. When doing so, be certain to enter the “Percent of Interest Held” in the voluntarily disclosed FRB by the current party, either the applicant or the DIH, with respect to which the FRB is being voluntarily disclosed.

72. The *Error Summary* screen lists the five sections of the application and displays error and warning messages for each section. If errors are detected from the previous screens, you can go to the error by clicking on the application section link and then clicking on the section name listed. You will then be able to make any necessary corrections. An error will be removed once it is corrected. When all of the errors have been corrected, you should click the **CONTINUE TO CERTIFY** button. You will **not** be able to proceed to the *Certify & Submit* screen with an error message.

73. Please note that you will be able to proceed to the *Certify & Submit* screen even if your application has a warning message. However, you should not rely on your ability to certify and submit an FCC Form 177 with a warning message as evidence that the Commission has approved the submission.

74. Each applicant is solely responsible for providing complete and accurate information in its FCC Form 177. The automated check for errors is provided to assist applicants in completing the FCC Form 177. However, the automated check may not catch all errors, and an applicant cannot rely on the automated check to determine the completeness or the accuracy of submitted information.

75. If the automated check does not encounter certain inconsistencies or omissions, each application section will display the message “No errors” with a green checkmark. Once this happens, you may then click the **CONTINUE TO CERTIFY** button.

5. Attaching Additional Information

76. If an applicant is required or otherwise needs to provide additional information not requested directly in the screens comprising the FCC Form 177, such information should be provided in an application-level attachment. For example, an applicant may choose to describe the relationship among indirect owners of the applicant in an attachment. Channel sharing attachments, however, must be submitted as station-specific attachments in the *Station Selection* screen, as described above.

77. You can add an application-level attachment to the FCC Form 177 via the *Application Attachments* screen by clicking the **Attachments** link in the upper right of any screen. This screen requests information regarding the type of attachment to be added, the name of the file to be attached, and a brief description of the attachment.

78. Please note that if the attachment is a request for a waiver or exemption of any of the Commission’s rules or procedures, you will facilitate prompt processing by identifying the “Type” of attachment as a “Waiver[.]” Likewise, if you choose to upload an indirect ownership attachment, you should identify the “Type” of attachment as “Indirect Ownership.”

79. Once the requested information is provided, you can add the attachment to the application by clicking the **UPLOAD FILE** button. A list of any attachments already uploaded along with the applicant’s FCC Form 177 will appear at the bottom of the screen.

80. When uploading attachments, you may use a variety of file formats, including Word (.doc and .docx), Adobe PDF (.pdf), and text files (.txt and .odt). You must, however, verify that the files contain all attachment information, and files may be no larger than 10 Mb and must not be password-protected. Graphics files (e.g., .bmp, .tiff, .jpg) are not supported. Spreadsheets (.xls, .xlsx, and .csv) are supported but not recommended. Once all attachments are uploaded, you should click the **CONTINUE** button. After the reverse auction application filing deadline, an application attachment may not be deleted or withdrawn.

6. Certify & Submit

81. The *Certify & Submit* screen is the fifth and final section in the FCC Form 177. In this screen, an applicant provides application-level certifications required of all reverse auction applicants.⁶⁰ The *Certify & Submit* screen also requests that the applicant's certifying official be identified and sign the application.

82. *Who Can Certify.* A reverse auction application must be certified by a person with the authority to bind the applicant. For example, a reverse auction application can be certified by (1) the applicant, if the applicant is an individual; (2) one of the partners, if the applicant is a partnership; (3) an officer, director, or duly-authorized employee, if the applicant is a corporation; (4) an officer, if the applicant is an unincorporated association; (5) the trustee, if the applicant is a trust; or (6) a duly elected or appointed official who is authorized to do so under the laws of the applicable jurisdiction, if the applicant is a governmental entity. In the event that changes are made in any of the information in the FCC Form 177 after the application filing deadline, the person originally certifying the application will have to certify the changes as well. The person certifying the application cannot be changed after the application filing deadline.

83. By clicking the **CERTIFY & SUBMIT** button, an applicant certifies the following:

- that the applicant and all of the person(s) disclosed under paragraph (c)(1) of 47 C.F.R. § 1.2204 are not person(s) who have been, for reasons of national security, barred by any agency of the Federal Government from bidding on a contract, participating in an auction, or receiving a grant. For the purposes of this certification, the term "person" means an individual, partnership, association, joint-stock company, trust, or corporation, and the term "reasons of national security" means matters relating to the national defense and foreign relations of the United States;⁶¹
- that the applicant agrees that it has sole responsibility for investigating and evaluating all technical and marketplace factors that may have a bearing on the bids it submits in the reverse auction;⁶²
- that the applicant agrees that the bids it submits in the reverse auction are irrevocable, binding offers by the applicant;⁶³
- that the individual submitting the application to participate and providing the certifications is authorized to do so on behalf of the applicant, and if such individual is not an officer, director, board member, or controlling interest holder of the applicant, can provide evidence that such individual has the authority to bind the applicant;⁶⁴

⁶⁰ See, e.g., 47 C.F.R. § 1.2204(c)(6)–(10).

⁶¹ *Id.* § 1.2204(c)(6).

⁶² *Id.* § 1.2204(c)(7).

⁶³ *Id.* § 1.2204(c)(8).

⁶⁴ *Id.* § 1.2204(c)(9).

- that the applicant is in compliance with all statutory and regulatory requirements for participation in the reverse auction, including any requirements with respect to the license(s) identified in the application to participate;⁶⁵
- that the applicant acknowledges and agrees that any information provided by the Commission's outside contractors who are advising and assisting the Commission with education and outreach, in connection with the reverse auction is for informational purposes only and that neither the Commission nor any of the Commission's outside contractors makes any representations or warranties with respect to any such information and shall have no liability to the applicant in connection therewith;⁶⁶
- that the applicant: (a) acknowledges its liability to the Commission for any debt owed to the Commission that the applicant incurred before, or that it may incur after, the reverse auction application deadline, including all accrued interest, penalties and costs, and that the debt will continue to accrue interest, penalties and costs until paid; and (b) agrees that the Commission may pay all debt owed by the applicant to the Commission from the applicant's share of auction proceeds;⁶⁷ and
- that the applicant agrees that if an appeal of, or request for waiver or compromise of, any debt owed by the applicant to the Commission is pending at the conclusion of the incentive auction, the Commission may withhold so much of the applicant's share of the auction proceeds as is necessary to pay the debt in full, including accrued interest, penalties and costs, until issuance of a final non-appealable decision regarding the debt or waiver or compromise request, and may then pay the debt from the applicant's withheld share.⁶⁸

Auction proceeds are also subject to offset by the U.S. Treasury pursuant to applicable law,⁶⁹ and auction proceeds will not be paid to (or for the benefit of) any auction winner or other payee appearing on the U.S. Treasury's "Do Not Pay" portal.⁷⁰

84. Submission of a false certification to the Commission may result in penalties, including monetary forfeitures, license forfeitures, ineligibility to participate in future auctions, and/or criminal

65 *Id.* § 1.2204(c)(10).

66 *See Auction 1000 Bidding Procedures PN*, 30 FCC Rcd at 9008, para. 49 n.186.

67 *See Auction 1000 Application Procedures PN* at 8, para. 12.

68 *See id.* at 8, para. 13.

69 *See, e.g.*, 26 U.S.C. §§ 6331, 6402; 31 U.S.C. §§ 3716, 3720A.

70 Information regarding the Treasury's "Do Not Pay" program may be found at <http://donotpay.treas.gov>. *See also* Improper Payments Elimination and Recovery Improvement Act of 2012, Public Law 112-248, 126 Stat. 2390, 31 U.S.C. § 3321 note, at § 5 (Jan. 10, 2013); OMB Memorandum M-12-11, *Reducing Improper Payments through the "Do Not Pay List"* (Apr. 12, 2012), available at https://www.whitehouse.gov/omb/memoranda_2012.

prosecution. A change in the person certifying the application is considered a major change to the reverse auction application and will not be permitted after the application filing deadline.⁷¹

85. Once the *Certify & Submit* screen has been filled out, you may submit the application by clicking the **CERTIFY & SUBMIT** button. Information in an application will not be considered by the Commission unless you press the **CERTIFY & SUBMIT** button on the *Certify & Submit* screen in the Auction System after providing the information required in the FCC Form 177.

86. After the application has been submitted, a confirmation screen will be displayed that states the submission time and date, along with a unique file number. You should print a copy of the confirmation page for your records. The applicant may then view and print copies of its submitted application by clicking the **Print** link under the file number or by using the **Print** link in the upper right of the screen.

87. FCC Form 177 applications for Auction 1001 must be submitted and confirmed prior to **6:00 p.m. ET on January 12, 2016**. Late applications or unconfirmed submissions of electronic data will not be accepted.

D. Withdrawing a Reverse Auction Application Before the Filing Deadline and Updating Existing Reverse Auction Applications

1. Withdrawing an Application

88. You may withdraw an application only during the initial filing window. To withdraw a submitted application before the reverse auction application filing deadline, you should click on the **Withdraw Application** icon on the *Auction Application Manager Review or Modify Existing Applications* screen. The entire FCC Form 177, including all previously-submitted data, will be deleted. **After the January 12, 2016 reverse auction application filing deadline, applications may not be withdrawn.** Only applicants that have submitted a timely and complete application may select a preferred relinquishment option for each station that they intend to bid for in the reverse auction.⁷²

2. Updating Existing Applications

89. The *Review or Modify Existing Applications* screen displays any application created or submitted within a filing window. This screen shows which auction the application was filed for, the application status, the date and time the application was last modified, and the date and time the application was last submitted. It may be used as a reference to confirm the date and time of the most recent submission of the application.

90. To review or continue working on an existing reverse auction application, you should click the reverse auction number for the application, which will produce the application's *Summary* screen in a view/edit mode. If an applicant makes any changes to its station-specific information, it must make the applicable station-specific certifications in order to submit the revised FCC Form 177. In addition, an applicant must go to the *Certify & Submit* screen and click the **CERTIFY & SUBMIT** button to submit any changes made to its FCC Form 177 application. After the revised application has been submitted, a confirmation page will display the application's file number and submission time and date. A copy of the

⁷¹ See 47 C.F.R. § 1.2204(d)(3).

⁷² See *Auction 1000 Bidding Procedures PN*, 30 FCC Rcd at 9008, para. 49; *id.* at 9020, para. 70; *Auction 1000 Application Procedures PN* at 23, para. 65.

confirmation page should be printed for the applicant's records. An applicant may then view and print copies of its submitted application by clicking on the **Print** link under the file number or by using the **Print** link in the upper right of the screen.

91. After the filing deadline, an applicant may make only minor changes to its application. Major modifications will not be permitted (e.g., changes to an applicant's station selection(s) or relinquishment options, changes to a person certifying the application, or certain changes in ownership of the applicant that would constitute an assignment or transfer of control).⁷³

III. MISCELLANEOUS

A. Technical Support

92. For technical assistance with using FCC software, contact the FCC Technical Support Hotline at (877) 480-3201, option nine; (202) 414-1250; or (202) 414-1255 (TTY). The FCC Technical Support Hotline is available Monday through Friday from 8 a.m. to 6 p.m. ET. All calls to the FCC Technical Support Hotline are recorded.

⁷³ See 47 C.F.R. § 1.2204(d)(3). In the *Prohibited Communications PN*, the Wireless Telecommunications Bureau *sua sponte* waived the bar on assignments of licenses that are the subject of an auction application, or transfers of control of reverse auction applicants, during the incentive auction provided that the assignment or transfer application: (1) has been accepted for filing with the Commission as of the deadline for submitting reverse auction applications; and (2) includes the express representation that the party that will hold the license(s) upon consummation agrees to be bound by the original applicant's actions in the auction with respect to the license(s). *Prohibited Communications PN* at 9–10, paras. 23–24.

ATTACHMENT 2

Channel Sharer Certifications for Full Power Station Sharer

Licensee Name, Call Sign and Facility ID of Channel Sharer:

Licensee Name, Call Sign, and Facility ID of each Channel Sharee:

On behalf of the Channel Sharer, I certify the following:

1. that the channel sharing agreement is consistent with all Commission rules and policies, and that the Channel Sharer accepts any risk that the implementation of the channel sharing agreement may not be feasible for any reason, including any conflict with requirements for operation on the shared channel;
2. that the proposed channel sharing arrangement will not violate the multiple ownership rules, set forth in 47 C.F.R. § 73.3555, based on the facts at the time the application is submitted; and
3. that the channel sharing agreement submitted by the Channel Sharee reverse auction applicant(s) is a true, correct, and complete copy of the channel sharing agreement between the parties.

I declare, under penalties of perjury, that I am an authorized representative of the above named Channel Sharer, that I have read the instructions and the foregoing certifications and all matters and things stated in the channel sharing agreement and attachments are true and correct.

Printed Name:

Title / Relationship to Channel Sharer Licensee:

Signature:

Date:

ATTACHMENT 3

Channel Sharer Certifications for Class A Station Sharer

Licensee Name, Call Sign and Facility ID of Channel Sharer:

Licensee Name, Call Sign, and Facility ID of each Channel Sharee:

On behalf of the Channel Sharer, I certify the following:

1. that the Channel Sharer is and will remain in compliance with the ongoing statutory eligibility requirements to remain a Class A station;
2. that the channel sharing agreement is consistent with all Commission rules and policies, and that the Channel Sharer accepts any risk that the implementation of the channel sharing agreement may not be feasible for any reason, including any conflict with requirements for operation on the shared channel;
3. that the proposed channel sharing arrangement will not violate the multiple ownership rules, set forth in 47 C.F.R. § 73.3555, based on the facts at the time the application is submitted; and
4. that the channel sharing agreement submitted by the Channel Sharee reverse auction applicant(s) is a true, correct, and complete copy of the channel sharing agreement between the parties.

I declare, under penalties of perjury, that I am an authorized representative of the above named Channel Sharer, that I have read the instructions and the foregoing certifications and all matters and things stated in the channel sharing agreement and attachments are true and correct.

Printed Name:

Title / Relationship to Channel Sharer Licensee:

Signature:

Date:
