



## **FCC Form 183**

Application to Participate in Rural Digital  
Opportunity Fund Phase I Auction

Auction 904

## **Instructions**

OMB Control No. 3060-1252

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## Notations

- Links to external web-based references appear as [blue hyperlinks](#) (e.g., [Auction 904 Procedures](#), [Public Notice](#), [Report and Order](#), etc.)
- *Italicized items in red* indicate different screens in the FCC Form 183 filing interface
- Terms in **Green** refer to buttons and links in the form that must be clicked to confirm a selection
- Terms in **Purple** indicate where attachments will need to be uploaded

## 1. INTRODUCTION

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The Rural Digital Opportunity Fund Phase I auction (Auction 904) short-form application, or FCC Form 183, is designed to obtain information from applicants that will be used to determine whether an applicant is legally, technically, and financially qualified to participate in the auction. Applicants must provide the information detailed below on FCC Form 183 in order to participate in the auction. There will be an application resubmission filing window during which an applicant may make permissible minor modifications to its application to address identified deficiencies. Additional information about the short-form application requirements can be found in the [Auction 904 Procedures Public Notice](#).<sup>1</sup>

### 3.1 Filing Deadline

To participate in the auction, an applicant must submit an FCC Form 183 electronically via the Auction Application System. The FCC Form 183 filing window will open at 12:00 p.m. Eastern Daylight Time (EDT) on July 1, 2020 and will close at 6:00 p.m. EDT on July 15, 2020. **Applications must be submitted and confirmed prior to 6:00 p.m. EDT on July 15, 2020.** As discussed below, after an application has been submitted, a confirmation screen will appear. The confirmation screen will display the submission time and date, along with a unique file number. Late applications or unconfirmed submissions will **not** be accepted.

You may make changes to your application at any time during the initial application filing window. Applicants are strongly encouraged to file early and are responsible for allowing adequate time for submitting their applications. Information in an application will not be considered by the Commission unless you click on the **CERTIFY & SUBMIT** button on the *Certify & Submit* screen in the Auction Application System after providing or updating the information required in FCC Form 183. To reduce the risk of technical complications, do not click the **CERTIFY & SUBMIT** button more than once while waiting for your application submission to go through.

**Note:** Certain information disclosed in the application will not be publicly available. See Section 4 for additional information.

You may withdraw a previously submitted application at any time before the initial application filing window closes at 6:00 p.m. EDT on July 15, 2020. To do so, click on the **Withdraw Application** icon on the Review or Modify Existing Short-Form Applications section of the *Auction Application Manager* screen. All previously entered and submitted data will be deleted. After the short-form deadline, an application may not be withdrawn, and the applicant will be subject to the Commission's prohibition on certain communications. For additional information about withdrawing a short-form application, see Section 3.8.

### 3.2 Minimum Software Requirements

You must complete and submit an application via the Internet using a personal computer or equivalent device. **Currently, devices that use Apple® Mac OS® are not supported. Smart phones and tablets are also not currently supported.** A web browser must be used to access the Auction Application System. The following web browsers are compatible with the Auction Application System:

- Mozilla® Firefox®;

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<sup>1</sup> See *Rural Digital Opportunity Fund Phase I Auction Scheduled for October 29, 2020; Notice and Filing Requirements and Other Procedures for Auction 904*, Public Notice, FCC 20-77 (June 11, 2020) (*Auction 904 Procedures Public Notice*).

- Google Chrome® 46.0.2490.80 or higher; or
- 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).

However, for optimal performance, Commission staff recommends the use of either Mozilla® Firefox® or Google Chrome®.

- A PDF viewer is also required. Adobe Acrobat Reader 5.0 or higher is recommended (available at no cost at [www.adobe.com](http://www.adobe.com)).
- The minimum screen resolution for the Auction Application System is 1024 x 768.

## 2. LOGGING IN

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To submit an FCC Form 183, open a web browser and navigate to [auctions.fcc.gov](http://auctions.fcc.gov) (primary location) or [auctions2.fcc.gov](http://auctions2.fcc.gov) (secondary location). An applicant must have an FCC Registration Number (FRN) and password in order to log in to the FCC's Auction Application System and complete FCC Form 183. You may obtain an FRN by registering through the Commission Registration System (CORES), which can be accessed on the Commission's website at: [www.fcc.gov/core](http://www.fcc.gov/core). Upon registration, you will be assigned an FRN.

On the *Auction Application System* screen, enter the applicant's FRN and password and click the **LOG IN** button, which will take you to the *My Auctions Page* screen. On this screen, you may create a new or modify an existing Auction 904 short-form application by clicking on the **Click here for FCC Form 183** link, which is under the "Connect America Fund/Rural Digital Opportunity Fund" heading. This will take you to the *Auction Application Manager* screen. Select the **Auction 904** link to begin, review, modify, or withdraw an application. Please allow up to several minutes for your application to load when you create a new application or access a draft application you have already created to review or modify it, particularly if the applicant has a large number of ownership entries. To avoid technical complications, do not click the link more than once while waiting for the application.

Applicants will not be able to access the bidding system from the *My Auctions Page* screen. Additional information about how to participate in the mock auction and Auction 904 (for applicants that become qualified to bid) will be available to qualified bidders after release of the *Auction 904 Qualified Bidders Public Notice*.

### 3. FILLING OUT FCC FORM 183

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You must provide information or responses to questions on a series of screens within FCC Form 183. Below is a summary of the different screens and the information that must be submitted on each. The sections following this summary provide more detailed instructions on how to fill out and provide the information required on each screen.

- **Applicant Information** screens:
  - Provide information about the applicant, including its legal classification, contact information, responsible party (if applicable), authorized bidders, and whether the applicant is a holding company that is submitting the application on behalf of itself and one or more existing operating companies
  - Disclose whether the applicant is currently an Eligible Telecommunications Carrier (ETC)
  - Provide the unique identifiers associated with the applicant's FCC Form 477 and FCC Form 499 filings (if applicable)
  - Provide information concerning the applicant's operational experience and financial qualifications
- **State & Performance Tier/Latency** screens:
  - Select the state, performance tier, latency, and technology (including, if applicable, spectrum band(s)/bandwidth) combination(s) on which the applicant may wish to bid
- **Agreements** screens:
  - Identify and provide information about each auction-related agreement to which the applicant is a party
- **Ownership** screens:
  - Provide information regarding parties that have an ownership or other interest in the applicant
- **Summary** screen:
  - Review the results of the system's automated check for certain inconsistencies and omissions in the application
- **Certify & Submit** screen:
  - Review and make the required certifications
  - Submit the application

**Navigation.** You may access any of these screens by clicking the link for the application section you want to reach in the navigation pane on the right side of the screen titled “Application Sections.”<sup>2</sup> To expand a group of screens, click on the **triangle ( ▲ )** to the right of the section title. When you click on the relevant section, you will be redirected to that section of the application. When a cursor passes over a clickable item, the cursor will turn into a hand icon.

An applicant is required to complete certain sections of the form that will display automatically depending on the information it provided in earlier portions of the form. For example, a corporate applicant, unlike a general partnership applicant, must identify a corporate officer or director responsible for the application (called a responsible party). If the applicant is a general partnership, no additional information is needed regarding an additional responsible party, and screens requesting responsible party information will not appear. However, if the applicant is a corporation, subsequent screens in FCC Form 183 will ask for responsible party information.

**Help and Common Questions.** Help in filling out FCC Form 183 is available in two ways through the Auction Application System: (1) by clicking on the **Help** link located in each section of the application in the upper right corner of each screen, which will open Auction Application Online Filing Help; or (2) by clicking on the text of any **Common Questions** links appearing on the right side of the screen. The common questions may differ from screen to screen because the common questions are linked to the information that must be supplied on that application screen.

If you need further information or guidance beyond what is provided by these sources, use the contact information provided in Section 5.2 of these instructions. You may also access the Auction 904 tutorial regarding the pre-auction application process, which is available on the Rural Digital Opportunity Fund Phase I Auction (Auction 904) website ([www.fcc.gov/auction/904](http://www.fcc.gov/auction/904)). This tutorial will help familiarize potential applicants with accessing and navigating the Auction Application System and completing FCC Form 183.

### 3.1 Applicant Information

On the **Applicant Information** screens, you must provide the information listed below. Following this list, more guidance is provided on how to fill out some of these items.

- the applicant’s legal classification (e.g., corporation, general partnership, etc.)
- whether the applicant is a holding company that is submitting its application on behalf of itself and one or more existing operating companies, and, if so, identifying (in an attachment) each such existing operating company
- the applicant’s name, which will be used as the bidder name during the auction
- jurisdiction of formation
- the applicant’s address (physical location; a P.O. Box is not permitted)
- the name, title, and contact information of the applicant’s responsible individual (unless the applicant selects general partnership as its legal classification/entity type)
- the name, address, telephone and fax number, and email address of a contact person who will communicate with Commission staff regarding the applicant’s FCC Form 183
- the names, telephone numbers, and email addresses of up to three persons authorized to bid for the applicant in the auction

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<sup>2</sup> To reduce the risk of technical complications, you are encouraged to click buttons on the individual application pages/screens and in the navigation window pane only once while navigating through the form.

- whether the applicant, including any of the applicant’s parent companies and subsidiaries, is currently an Eligible Telecommunications Carrier (ETC) in any area, regardless of where the applicant intends to bid, and, if so, the Study Area Code(s) (SACs) indicating that the applicant (or its parent company or subsidiary) is an existing ETC
- whether the applicant or any related entity filed an FCC Form 477 during the past two years and, if so, any FRN(s) that an applicant or related entity has used to submit its FCC Form 477 data during the past two years
- whether the applicant or any related entity filed an FCC Form 499-A in the past year and, if so, any FCC Form 499 filer identification numbers that the applicant or related entity has used to file an FCC Form 499-A in the past year
- operational information regarding the applicant’s experience providing voice, broadband, and/or electric distribution or transmission service
- financial statements (as required) and whether submitted audited financial statements include a clean opinion letter.<sup>3</sup>

### **Applicant Legal Classification and Holding Company Question**

You must indicate the applicant’s legal classification on the *Applicant Legal Classification* screen before continuing to subsequent screens because the selected legal classification will determine which subsequent screens will appear. For example, an applicant registering as a “General Partnership” will enter information that is different from the information that an applicant registering as a “Corporation” will enter.

If you select “Consortium” as the applicant’s legal classification, you must [upload an attachment](#) identifying each member of the consortium (and select “Consortium” as the attachment “Type” when [uploading this attachment](#)). The procedures for [uploading this attachment](#) are described below in Section 3.6.

If you select “Other” as the applicant’s legal classification, a text box will open in which you must describe the applicant’s legal classification. For any text box in which the applicant can or is required to enter information, you should not use any non-ASCII characters or select ASCII characters.

You must also indicate on the *Applicant Legal Classification* screen whether the applicant is a holding company that is submitting its application on behalf of itself and one or more existing operating companies. For purposes of FCC Form 183, a holding company includes a passive legal entity as well as an operating entity with subsidiaries. If the applicant is a holding company that is submitting its application on behalf of itself and one or more existing operating companies, you must [upload an attachment](#) identifying each existing operating company on behalf of which the applicant is submitting the application. Each operating company must be identified by its legal name. You must select “Operating Companies” as the attachment “Type” when [uploading this attachment](#). The procedure for uploading this required attachment is described below in Section 3.6.

If an applicant is announced as a winning bidder, it will have the opportunity to participate in the Divide Winning Bids process after the auction is closed to assign its winning bids to a related entity.<sup>4</sup>

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<sup>3</sup> For more information, including information for applicants submitting financial information without a clean opinion letter, see *Auction 904 Procedures Public Notice*, Section II.E.3. Financial Qualifications.

<sup>4</sup> *Auction 904 Procedures Public Notice* at 88-89, paras. 288-93. A related entity is an entity that is controlled by the winning bidder or is a member of (or an entity controlled by a member of) a consortium/joint venture of which the winning bidder is a member. Thus, if a holding company/parent company is a winning bidder, the winning



A winning bidder in Auction 904 may only assign its winning bids to a related entity that is named in its short-form application or that was formed after the short-form application deadline (i.e., July 15, 2020). Accordingly, if an applicant intends to assign its winning bids to an existing related entity, it should make sure that the entity is disclosed in its application either as a FCC Regulated Business as described below in Section 3.4 or **in an attachment** to the application (e.g., using the “Consortium” or “Operating Companies” attachment “Type”).

After completing the information requested on the *Applicant Legal Classification* screen, click the **SAVE & CONTINUE** button. Please note that if the applicant later changes its legal classification, some of its previously entered applicant information will be deleted as a result of the change and will need to be reentered.

### **Applicant Name and Applicant Address**

You will be required to enter the Entity Name and Jurisdiction of Formation fields on the *Applicant Name/Applicant Address* screen. The name entered will be used as the Bidder Name for the auction process. You must also provide a street address for the applicant. A P.O. Box may not be used. After completing the applicant’s name and address information, click the **SAVE & CONTINUE** button.

### **Responsible Party and Contact Information**

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 “General Partnership” on the *Applicant Legal Classification* screen, you will be directed to the *Contact Information/Contact Address* screen, where you will be required to provide contact information for an individual who will be sent all correspondence concerning the application. If you selected any other entity type on the *Applicant Legal Classification* screen, you will first be directed to the *Responsible Party* screen, where you will be required to provide information for an individual deemed to be the responsible party for the application. If you selected “Corporation” on the *Applicant Legal Classification* screen, you will be required to provide the name, title, and email address, but not street address, for the applicant’s responsible party. After completing the *Responsible Party* screen, you will be directed to the *Contact Information/Contact Address* screen.

To simplify filling out FCC Form 183, an applicant that has the same address as its contact person or responsible party can click on the **COPY APPLICANT ADDRESS** button to automatically fill in the contact person’s or responsible party’s address. A P.O. Box may not be used for a contact person’s or responsible party’s address. The **COPY APPLICANT ADDRESS** button is not available if the applicant’s location is outside the United States. A fax number may be used for a variety of purposes, including as a backup for communicating with the applicant in the event other means of communication are unavailable. If the contact person does not have a fax number, you may provide the contact person’s telephone number in the fax number field. After entering the contact person’s or responsible party’s name, address, and other required information, click the **SAVE & CONTINUE** button.

Commission staff will communicate only with an applicant’s contact person or certifying official, as designated on the applicant’s FCC Form 183, 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 email to [auction904@fcc.gov](mailto:auction904@fcc.gov).

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bidder may designate at least one operating company that it controls to complete the long-form application to receive Rural Digital Opportunity Fund support for some or all of the winning bids in a state. If a consortium/joint venture is a winning bidder, the entity may designate at least one member of (or an entity controlled by a member of) the consortium/joint venture to complete the long-form application to receive Rural Digital Opportunity Fund support for some or all of the winning bids in a state. *Id.* at 88, para. 289.

## **Authorized Bidders**

You must provide the name, phone number, and email address for each individual authorized to place bids for the applicant in the auction. You must identify at least one authorized bidder for the applicant, and no more than three. Applicants are encouraged to identify more than one authorized bidder to account for unforeseen circumstances that may result in an authorized bidder being unable to participate during the auction. Separate Auction 904 applicants should not specify the same individual on their short-form applications to serve as an authorized bidder.<sup>5</sup> After completing the necessary information for each authorized bidder, you must click the **ADD** button to save the authorized bidder information you have entered. Click the **ADD** button only once when adding an authorized bidder to reduce the risk of technical complications.

While an applicant may change its authorized bidders at a later date, only those bidders listed on its FCC Form 183 will be authorized to place bids for the applicant during the auction. Each authorized bidder listed on an applicant's FCC Form 183 will receive a designated SecurID<sup>®</sup> token that will be required to place bids for the applicant during the auction, along with instructions on how to use the token.

## **Eligible Telecommunications Carrier Question and Study Area Code Information**

On the *Eligible Telecommunications Carrier* screen, you must respond "Yes" or "No" to indicate whether the applicant, including any of the applicant's parent companies and subsidiaries, is currently an Eligible Telecommunications Carrier (ETC) in any area, regardless of where the applicant intends to bid.

An applicant does not have to be an ETC to participate in the auction. However, within 180 days after the release of the Auction 904 closing public notice, a long-form applicant will be required to certify that it is an ETC in any area for which it seeks to be authorized to receive support and submit documentation supporting that certification. In most circumstances, an entity must be designated as an ETC by the public utility commission in the state(s) where it will be offering voice and broadband service. If the relevant state does not have jurisdiction over the service provider, the service provider can obtain an ETC designation from the FCC.

You will be unable to proceed with completing your application until you have selected a response to the ETC question. If you select "No" to indicate that neither the applicant nor any of its parent company's subsidiaries is currently an ETC, you will be directed to the *FCC Form 477/FCC Form 499* screen, described below, after clicking the **SAVE & CONTINUE** button.

If you select "Yes" to indicate that the applicant and/or any of its parent companies and subsidiaries is currently an ETC, you must enter—in the Add Study Area Code(s) section of this screen—the Study Area Code(s) (SACs) for each area in which the applicant, any of the applicant's parent companies, and/or any of the applicant's subsidiaries has been designated as an ETC. Any time that a service provider is designated as an ETC by a state or the Commission, the Universal Service Administrative Company (USAC) will assign that service provider a SAC before the provider begins receiving universal service support.<sup>6</sup> If the applicant is a holding company that is submitting its application on behalf of itself and one or more existing operating companies, you must enter the SAC(s) associated with each of the applicant's operating companies identified in the application, if applicable.

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<sup>5</sup> See *Auction 904 Procedures Public Notice* at 59, para. 162 (noting that a violation of section 1.21002 could occur if an individual acts as the authorized bidder for two or more applicants because a single individual may, even unwittingly, be influenced by the knowledge of the bids or bidding strategies of multiple applicants, in his or her actions on behalf of such applicants).

<sup>6</sup> See *Auction 904 Procedures Public Notice* at 35, para. 94, n.213.

If the applicant is a consortium or joint venture, you must enter the SAC(s) associated with each entity that is part of the consortium or joint venture, if applicable.

You will not be able to submit your application if you select “Yes” and do not enter at least one valid SAC. A valid SAC must be 6 digits in length and associated with a state. After entering a valid SAC, you must click the **ADD** button to save the SAC to the application. A saved SAC can be modified by clicking the **EDIT** button next to that SAC. After making any modifications to a SAC, you must click the **UPDATE** button to save the modifications to the application. A SAC can be removed from the application by clicking the **REMOVE** button next to that SAC.

After you have confirmed the accuracy of the SAC(s) you have selected, click the **SAVE & CONTINUE** button to proceed.

### **FCC Form 477 Question and FCC Form 499 Question**

On the *FCC Form 477/FCC Form 499* screen, you must respond “Yes” or “No” to indicate whether the applicant or any related entity filed (1) an FCC Form 477 during the past two years, and (2) an FCC Form 499-A in the past year. A “related entity” for purposes of these questions means the applicant’s parent company or, in the case of a holding company applicant, the operating companies identified in the application. If the applicant is a consortium or joint venture, a related entity includes each entity that is part of the consortium or joint venture. You will be unable to proceed with completing your application until you have selected a response to both of these questions.

#### **○ FCC Form 477 FCC Registration Number(s)**

If you select “No” to indicate that neither the applicant nor any related entity filed an FCC Form 477 during the past two years, and then click **SAVE & CONTINUE**, you will be directed to the *Operational and Financial Information* screen, described below, provided that you have also provided a response to the FCC Form 499 question.

If you select “Yes” to indicate that the applicant and/or any related entity filed an FCC Form 477 during the past two years, you must enter—in the Identify FCC Form 477 FRN(s) section of this screen—each FRN used by the applicant and/or any related entity to make any FCC Form 477 filings during the past two years. Enter the FCC Form 477 FRNs that were used for the filings for data as of December 31, 2019; data as of June 30, 2019; and data as of December 31, 2018.<sup>7</sup> If the applicant is a holding company submitting its application on behalf of itself and one or more existing operating companies, you must enter the FRN(s) used by each of the applicant’s operating companies identified in the application to submit FCC Form 477 data during the past two years, if applicable. If the applicant is a consortium or joint venture, you must enter the FRN(s) used by each entity that is part of the consortium or joint venture to submit FCC Form 477 data during the past two years, if applicable.

If you select “Yes,” you must enter at least one valid FRN. A valid FRN must be a numeric value 10 digits in length and match an FRN that was used to file an FCC Form 477 during the past two years. After entering a valid FRN, you must click the **ADD** button to save the FRN to the application. As discussed in further detail below, if you add an FRN in the Identify FCC Form 477 FRN(s) section on the *FCC Form 477/FCC Form 499* screen, this FRN will also be added to the *Operational and Financial Information* screen.

A saved FRN can be modified by clicking the **EDIT** button next to that FRN. After making any modifications to an FRN, you must click the **UPDATE** button to save the modifications to the application. An FRN can be removed from the application by clicking the **REMOVE** button next to that FRN. If you

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<sup>7</sup> See *Auction 904 Procedures Public Notice* at 18, para. 51.

remove an FRN on the *FCC Form 477/FCC Form 499* screen, it will also be removed from the *Operational and Financial Information* screen.

After you have confirmed the accuracy of the FRN(s) you have selected, click the **SAVE & CONTINUE** button to proceed.

- **FCC Form 499 Filer Identification Numbers(s)**

If you select “No,” to indicate that neither the applicant nor a related entity filed an FCC Form 499-A in the past year, and then click the **SAVE & CONTINUE** button, you will be directed to the *Operational and Financial Information* screen, described below, provided that you have also provided a response to the FCC Form 477 question.

If you select “Yes” to indicate that the applicant or any related entity filed an FCC Form 499-A in the past year, you must enter—in the Identify FCC Form 499 Filer ID(s) section of this screen—each of the FCC Form 499 Filer ID(s) used by the applicant and/or any related entity to make any FCC Form 499-A filings in the past year. Applicants must submit filer identification numbers that were used for the April 1, 2020 FCC Form 499-A filing.<sup>8</sup> If the applicant is a holding company that is submitting its application on behalf of itself and one or more existing operating companies, you must enter the FCC Form 499 Filer ID(s) used by each of the applicant’s operating companies identified in the application in the past year, if applicable. If the applicant is a consortium or joint venture, you must enter the FCC Form 499 Filer ID(s) used by each entity that is part of the consortium or joint venture in the past year, if applicable.

If you select “Yes,” you must enter at least one valid FCC Form 499 Filer ID. A valid FCC Form 499 Filer ID must be a numeric value six digits in length and match an FCC Form 499 Filer ID that was used to file an FCC Form 499-A in the past year. After entering a valid FCC Form 499 Filer ID, you must click the **ADD** button to save the FCC Form 499 Filer ID to the application.

A saved FCC Form 499 Filer ID can be modified by clicking the **EDIT** button next to it. After making any modifications to an FCC Form 499 Filer ID, you must click the **UPDATE** button to save the modifications to the application. An FCC Form 499 Filer ID can be removed from the application by clicking the **REMOVE** button next to it.

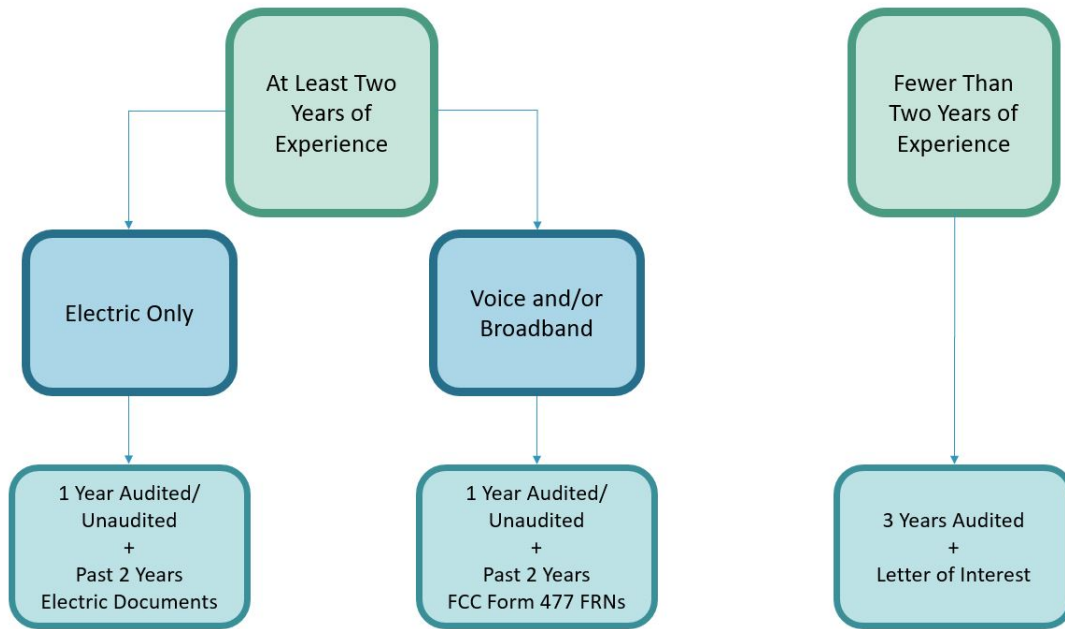
After you have confirmed the accuracy of the FCC Form 499 Filer ID(s) you have selected, click the **SAVE & CONTINUE** button to proceed.

### **Operational and Financial Information**

The *Operational and Financial Information* screen collects information about the applicant’s technical and financial qualifications to offer the service(s) for which it is seeking support. The type of operational and financial information required depends on the number of years an applicant has been operating and the service(s) it provides. The following chart illustrates the different pathways an applicant can use to demonstrate its operational and financial qualifications.

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<sup>8</sup> See *Auction 904 Procedures Public Notice* at 35, para. 95.



You must first respond “Yes” or “No” to indicate whether the applicant provided a voice, broadband and/or electric transmission or distribution service for at least two years, or it is a wholly-owned subsidiary of such an entity. An applicant is deemed to have started providing a service on the date it began commercially offering that service to end users. If the applicant is a holding company that is submitting its application on behalf of itself and one or more existing operating companies, you must answer this question on behalf of one of the operating companies that is identified in the application. If the applicant is a consortium or joint venture, you must answer this question on behalf of one of the entities that is part of the consortium or joint venture.

- **Providing Service for at Least Two Years**

Providers of Voice, Broadband, and/or Electric Service. If you select “Yes” to indicate that the applicant has provided a voice, broadband and/or electric transmission or distribution service for at least two years, you must make a certification to that effect using the checkbox to the left of the certification statement. If the applicant is a wholly-owned subsidiary of an entity that has done so, you must provide the parent company name. If the applicant is a holding company submitting its application on behalf of itself and one or more existing operating companies, it must make this certification on behalf of one of the operating companies that is identified in the application. If the applicant is a consortium or joint venture, it must make this certification on behalf of one of the entities that is part of the consortium or joint venture.

You must also enter the number of years the applicant (or, if applicable, its parent company) has been operating if it (or its parent company) has been providing a voice, broadband, and/or electric transmission or distribution service for at least two years. You should round down to the nearest year; for example, if an applicant that has been operating for two years and eight months, you would indicate that the applicant has been operating for two years.

Electric-Only Service. You must respond “Yes” or “No” to indicate whether the applicant or its parent company operated *only* an electric transmission or distribution network, but did not provide a voice and/or broadband service, for at least two years. If you select “Yes,” you must [upload an attachment](#) with the qualified operating or financial reports, identified below, filed with the relevant

financial institution in 2018 and 2019. These reports demonstrate that the applicant or its parent company has been operating an electric transmission or distribution network for at least two years. If the applicant is a holding company or consortium/joint venture, it must submit the electric distribution or transmission documents of the operating company that is the subject of the at least two-year operational certification.

For these reports, we will accept the following:

- Rural Utilities Service (RUS) Form 7, Financial and Operating Report Electric Distribution;
- RUS Form 12, Financial and Operating Report Electric Power Supply;
- National Rural Utilities Cooperative Finance Corporation (CFC) Form 7, Financial and Statistical Report;
- CFC Form 12, Operating Report;
- CoBank Form 7; or
- The functional replacement of one of the reports listed above.<sup>9</sup> A report will be considered a functional replacement if it is a report that RUS, CoBank, or CFC has adopted to replace one of the forms identified.

These reports will be made public, so, in lieu of filing a confidentiality request pursuant to section 0.459 of the Commission's rules, you may redact portions of these reports that are not relevant to the applicant's demonstration that it or its parent company has been operating an electric transmission or distribution network for at least two years.

The relevant operating data sections, which must not be redacted, are:

- RUS Form 7 (Part B, Data on Transmission and Distribution Plan, and Part E, Changes in Utility Plant);
- RUS Form 12 (Part I, Lines and Stations, Section B, Facilities in Service);
- CFC Form 7 (Part B, Data on Transmission and Distribution Plant, p. 1);
- CFC Form 12 (Section B, Facilities in Service, p. 26 of 41); and
- CoBank Form 7 (Part A, Data on Transmission and Distribution Plant, p. 1).

Select "Electric Company Documents" as the attachment "Type" when [uploading this attachment](#). The procedure for uploading this required attachment is described below in Section 3.6. You must also certify that the uploaded documents demonstrating that the applicant or its parent company has been operating an electric transmission or distribution network for at least two years are true and accurate copies of the forms that were submitted to the relevant financial institution.

*Voice and/or Broadband Service and FCC Form 477 Certification.* If you select "No" to indicate that neither the applicant nor its parent company has operated *only* an electric transmission or distribution network for at least two years, you must identify the service(s) the applicant or its parent company has provided (voice, broadband, and/or electric transmission or distribution service). At a minimum, you must select at least voice or broadband.

You must certify that the applicant or its parent company (if the applicant is a wholly-owned subsidiary) has submitted FCC Form 477 data as required during the past two years. If the applicant is a holding company, it must make this certification on behalf of the operating company that is the subject of the at least two-year operational certification. If the applicant is a consortium or joint venture, it

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<sup>9</sup> Auction 904 Procedures Public Notice at 18-19, para. 52, n. 107.

must make this certification on behalf of the entity that is part of the consortium or joint venture that is the subject of the at least two-year operational certification.

To support this FCC Form 477 certification, you must identify the FRN(s) used to submit FCC Form 477 data during the past two years—specifically, data as of December 31, 2019; June 30, 2019; and data as of December 31, 2018—by the entity to which this certification applies. We will use FCC Form 477 data for these periods that were on file as of June 17, 2020, to validate an applicant’s representation on the short-form application that it has been providing a voice and/or broadband service for at least two years.<sup>10</sup> To be considered on file, data must be in “submitted” status.

The Auction Application System will import any FRN(s) entered on the *FCC Form 477/FCC Form 499* screen and populate them in a dropdown list on this screen, the *Operational and Financial Information* screen. Therefore, in order to select and add an FRN on this screen, you must have first added the FRN on the *FCC Form 477/FCC Form 499* screen. If the entity to which this FCC Form 477 certification applies used an FRN to submit FCC Form 477 data during the past two years but that FRN is not displayed in the dropdown list, you must return to the *FCC Form 477/FCC Form 499* screen and add the FRN on that screen. Any FRN additions or modifications you make on the *FCC Form 477/FCC Form 499* screen will be reflected on the *Operational and Financial Information* screen, and you can then select and add those FRN(s) to support the FCC Form 477 certification on the *Operational and Financial Information* screen.

If you need to remove an FRN that you selected and added to support the FCC Form 477 certification here, you can use the **REMOVE** button to do so. Removing an FRN from the *Operational and Financial Information* screen will not remove it from the list of FRN(s) on the *FCC Form 477/FCC Form 499* screen.

*Audit Question.* You must respond “Yes” or “No” to indicate whether the applicant or its parent company has been audited in the ordinary course of business.

If you select “Yes,” you must **upload an attachment** with the applicant’s or its parent company’s audited financial statements from the prior fiscal year, including balance sheets and statements of net income and cash flow along with an opinion letter from an independent certified public accountant and the accompanying notes. If the applicant is a holding company that is submitting its application on behalf of itself and one or more existing operating companies, you must submit the holding company’s audited financial statements. If the applicant is a consortium or a joint venture, you must submit the audited financial statements of the entity that is the subject of the at least two-year operational certification. If the applicant is a wholly-owned subsidiary and has certified that its parent company has provided service for at least two years, you must submit the audited financial statements of the applicant’s parent company.

Select “Financial Statements” as the attachment “Type” when **uploading this attachment**. The procedure for uploading this required attachment is described below in Section 3.6. You should submit the applicant’s or its parent company’s fiscal year-end 2019 audited financial statements if they have been finalized before the short-form application deadline. Otherwise, you should submit the applicant’s or its parent company’s fiscal year-end 2018 audited financial statements.

If you select “No” to indicate that neither the applicant nor its parent company has been audited in the ordinary course of business, you must **upload an attachment** with the applicant’s or its parent company’s *unaudited* financial statements from the prior fiscal year, including balance sheets and statements of net income and cash flow. If the applicant is a holding company that is submitting its application on behalf of itself and one or more existing operating companies, you must submit the holding company’s unaudited financial statements. If the applicant is a consortium or a joint venture,

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<sup>10</sup> *Auction 904 Procedures Public Notice* at 18, para. 51.

you must submit the unaudited financial statements of the entity that is the subject of the at least two-year operational certification. If the applicant is a wholly-owned subsidiary and has certified that its parent company has provided service for at least two years, you must submit the unaudited financial statements of the applicant's parent company.

Select "Financial Statements" as the attachment "Type" when [uploading this attachment](#). The procedure for uploading this required attachment is described below in Section 3.6. You should submit the applicant's or its parent company's fiscal year-end 2019 unaudited financial statements if they have been finalized before the short-form application deadline. Otherwise, you should submit the applicant's or its parent company's fiscal year-end 2018 unaudited financial statements. The applicant must also certify that if it is identified as a winning bidder, the long-form applicant will submit its or its parent company's prior fiscal year audited financial statements no later than 180 days after being announced as a winning bidder.

- **Providing Service for Fewer Than Two Years**

Letter of Interest. If you select "No" to indicate that the applicant has not provided a voice, broadband, and/or electric transmission or distribution service for at least two years (or is not a wholly-owned subsidiary of such an entity), you **must upload** a letter from a qualified bank—with terms acceptable to the Commission—stating that the bank would provide a letter of credit to the applicant if the applicant becomes a winning bidder and is selected for bids of a certain dollar magnitude.<sup>11</sup>

The letter should include the maximum dollar amount for which the bank would be willing to issue a letter of credit to the applicant and a statement that the bank would be willing to issue a letter of credit that is substantially in the same form as set forth in the model letter of credit provided in Appendix C of the *Rural Digital Opportunity Fund Order*.<sup>12</sup> The letter of interest will not be made publicly available. Select "Letter of Interest" as the attachment "Type" when [uploading this attachment](#). The procedure for uploading this required attachment is described below in Section 3.6.

Audited Financial Statements. You must also **upload an attachment** with the applicant's or its parent company's fiscal year-end audited financial statements from the **three** most recent consecutive fiscal years, including balance sheets and statements of net income and cash flow along with an opinion letter from an independent certified public accountant and the accompanying notes.<sup>13</sup> If the applicant is a holding company that is submitting its application on behalf of itself and one or more existing operating companies, you must submit the holding company's audited financial statements. If the applicant is a consortium or joint venture, you must submit the audited financial statements of one of the entities that is part of the consortium or joint venture. If the applicant is an operating company, you may submit the applicant's own audited financial statements or the audited financial statements of the applicant's parent company, or a mix of the applicant's/parent company's statements for all three years. If the applicant is relying on audited financial statements of its parent company, you must enter the name of the parent company in the applicable field.

Select "Financial Statements" as the attachment "Type" when [uploading this attachment](#). The procedure for uploading this required attachment is described below in Section 3.6.

You should submit the applicant's (or its parent company's) fiscal year-end audited financial statements from 2016, 2017, and 2018. However, if the fiscal year-end audited financial statements from 2019 are finalized in time to submit by the short-form application filing deadline, you should

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<sup>11</sup> *Auction 904 Procedures Public Notice* at 19-20, para. 55.

<sup>12</sup> *Rural Digital Opportunity Fund; Connect America Fund, Order*, 35 FCC Rcd 686, 773-77, Appx. C (2020) (*Rural Digital Opportunity Fund Order*).

<sup>13</sup> *Auction 904 Procedures Public Notice* at 19-20, para. 55.



submit the applicant's (or its parent company's) fiscal year-end audited financial statements from 2017, 2018, and 2019 instead.

- **Confidential Treatment of Financial Information**

You must indicate, by answering “Yes” or “No,” whether the applicant requests that the financial information contained in this application (i.e., the financial statements submitted with the short-form application) be withheld from public inspection pursuant to section 0.459(a)(4) of the Commission's rules.<sup>14</sup>

- **Clean Opinion Letter**

You must indicate by answering “Yes” or “No,” whether the applicant or its parent company's submitted audited year-end financial statements include a clean opinion letter.<sup>15</sup> A clean opinion letter has an unmodified opinion without an emphasis-of-matter paragraph about the entity's ability to continue as a going concern.<sup>16</sup> If an applicant is required to submit three years of audited financial statements, you should only answer “Yes” to this question if all three years of audited financial statements include a clean opinion letter.

**An applicant that submits the required audited financial statements with a clean opinion letter will be deemed financially qualified to participate in the auction.** For an applicant that does not have a clean opinion letter on all submitted audited financial statements, Commission staff will review whether the issue is material, and, if so, any such applicants—and any applicants that submit unaudited financial statements—will be subject to a review of the full set of financial statements submitted with their Forms 183, as well as other information submitted with the application and/or information submitted to the Commission in other contexts.<sup>17</sup>

When all operational and financial information has been entered on the *Operational and Financial Information* screen, click the **SAVE & CONTINUE** button to proceed.

## 3.2 State and Performance Tier/Latency

*State/Tier/Latency/Technology Selections.* On the *State and Performance Tier/Latency Selection* screen, you will identify the state(s) in which the applicant may wish to bid during the auction, the performance tier and latency combination(s) for which it intends to bid, and the technology (including, if applicable, spectrum band(s)) it intends to use for the last mile to meet the applicable service obligations if it becomes a winning bidder. The last mile refers to the portion of the network that transmits services to end users.

To select a state on the *State and Performance Tier/Latency Selection* screen, click on the “State” dropdown menu and select the state. For purposes of FCC Form 183, the term “state” shall also include the District of Columbia and U.S. territories to the extent they contain eligible areas. Only states with eligible census block groups will appear in the “State” dropdown menu.<sup>18</sup>

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<sup>14</sup> *Auction 904 Procedures Public Notice* at 53-54, para. 141.

<sup>15</sup> This question will not appear for an applicant that answers “Yes” to indicate that the applicant has provided a voice, broadband and/or electric transmission or distribution service for at least two years, and also answers “No” to indicate that neither the applicant nor its parent company has been audited in the ordinary course of business.

<sup>16</sup> *Auction 904 Procedures Public Notice* at 20, para. 56.

<sup>17</sup> See *Auction 904 Procedures Public Notice* at 20-22, paras. 58-61.

<sup>18</sup> See *Wireline Competition Bureau Releases Preliminary List and Map of Eligible Areas for the Rural Digital Opportunity Fund Phase I Auction*, Public Notice, DA 20-275 (WCB March 17, 2020).

To select a performance tier for that state, click on the “Performance Tier” dropdown menu and select the performance tier. To select the latency for which the applicant intends to bid in combination with the performance tier for that state, click either “High” or “Low”.

To select a technology for a particular state, performance tier, and latency combination, click on the “Technology” dropdown menu and select the technology. Because an applicant that intends to use geostationary, high earth orbit, or medium earth orbit satellite technology cannot bid in the Gigabit performance tier or for low latency,<sup>19</sup> you will not be permitted to select “Satellite” in the “Technology” dropdown menu and save it to an application if you also select the Gigabit performance tier or low latency in combination with any of the performance tiers. For purposes of the Auction 904 short-form application, “Satellite” does *not* encompass low earth orbit satellite technology. Therefore, if you intend to use low earth orbit satellite technology, you should select “Other” from the dropdown menu, as described below.

If the technology is low earth orbit satellite or is not listed in the “Technology” dropdown menu, you must select “Other,” provide a brief description of the technology, and indicate, by clicking “Yes” or “No,” if the applicant plans to use spectrum with that technology to offer voice and/or broadband services to meet the applicable service obligations. Commission staff will review applications that select “Other” for “Technology” and make appropriate eligibility determinations.<sup>20</sup> For example, an applicant that indicates that it will use low earth orbit satellite technology should not select the Gigabit performance tier because it will not be qualified to bid in that performance tier, consistent with the Commission’s decision in the *Auction 904 Procedures Public Notice*.<sup>21</sup>

If an applicant intends to use a hybrid network to meet its obligations, you should select a separate state, performance tier, latency, and technology combination (including spectrum, if applicable as explained below) for each technology the applicant intends to use within the state.

*Spectrum-Based Technologies.* If you indicate that the applicant plans to use a spectrum-based technology for the last mile by selecting either “Terrestrial Fixed Wireless” or “Geostationary Satellite” from the “Technology” dropdown menu, or if you select “Other” in the “Technology” dropdown menu and click “Yes” to indicate that the applicant plans to use spectrum to offer voice and/or broadband services, an additional “Spectrum Band” dropdown menu and two blank data entry fields—one for total uplink bandwidth and one for total downlink bandwidth—will appear.

Select the spectrum band that the applicant intends to use to support the spectrum-based technology from the “Spectrum Band” dropdown menu for the last mile. If you select “Other” in the “Spectrum Band” dropdown menu, you must provide a brief description of the spectrum band the applicant plans to use to support the associated spectrum-based technology.

For each spectrum band selected, you must enter the total uplink bandwidth (in megahertz) and total downlink bandwidth (in megahertz) to which the applicant has access in that band. If an applicant is a holding company or consortium/joint venture and more than one operating company or member intends to use the spectrum band for a particular performance tier and latency combination, you should enter the amount of bandwidth available to the operating company or member that plans to use the spectrum band for that performance tier and latency combination and has access to the least amount of bandwidth. The available bandwidth for all other operating companies or members for that spectrum band should be indicated in the “Spectrum Access” attachment described below.

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<sup>19</sup> See *Auction 904 Procedures Public Notice* at 35-43, paras. 96-113.

<sup>20</sup> *Id.* at 36-37, para. 98 n.229 (directing Commission staff to make eligibility determinations consistent with the decisions made in the *Auction 904 Procedures Public Notice*).

<sup>21</sup> *Id.* at 37-38, paras. 101-04.

If an applicant plans to use multiple spectrum bands to support a particular technology, you must make a separate spectrum band and bandwidth entry for each by clicking the **ADD NEW ROW** button. To remove a spectrum band and bandwidth entry, click the **REMOVE** button.

An applicant that plans to use spectrum *for any portion of its network* must also **upload an attachment** that describes its access to all of the spectrum band(s) it selects in its application and that identifies and describes the applicant's access for any spectrum it will use for backhaul and any other parts of the network. This attachment should describe the authorizations (including leases) the applicant has obtained to operate in the spectrum, if applicable,<sup>22</sup> and list the call signs and/or application file numbers associated with its spectrum authorizations, if applicable.<sup>23</sup> If the licensee is a different party than the applicant, the licensee's name and the relationship to the applicant should be described. If the applicant is leasing spectrum, the lease number should be provided along with the license information. If an applicant is a consortium/joint venture or a holding company filing the application on behalf of itself and one or more existing operating companies, the attachment should clearly describe which spectrum bands and authorizations are associated with which member or operating company.

An applicant must have obtained any necessary approvals from the Commission for the spectrum, if applicable, by the short-form application filing deadline, subject to several exceptions. First, any applicant that intends to provide service using satellite technology must describe in its short-form application its expected timing for applying for earth station licenses if it has not already obtained these licenses. Second, any applicant that intends to obtain microwave licenses for backhaul must describe its expected timing for applying for such licenses if it has not already obtained these licenses.<sup>24</sup> Third, if an applicant that is participating or intends to participate in the Auction 102, Auction 103, Auction 105, Auction 107, 2.5 GHz Rural Tribal Priority Window (but not the 2.5 GHz auction), lower 37 GHz, and 6 GHz proceedings; and use the spectrum to meet its Auction 904 public interest obligations, to the extent the proceeding is still ongoing you must indicate the status of the applicant's participation (consistent with auction procedures regarding the disclosure of non-public auction-related information) and must provide alternatives for if the applicant does not ultimately obtain a license (if applicable) or is unable to operate in the spectrum in time to meet its interim service milestones. Such an alternative may not include spectrum bands that are subject to pending spectrum processes.<sup>25</sup>

Select "Spectrum Access" as the attachment "Type" when **uploading this attachment**. The procedure for uploading this required attachment is described below in Section 3.6. Spectrum access information submitted with the application will be withheld from the public at least until after the auction closes and the results are announced.<sup>26</sup>

***Saved Combinations Table.*** After selecting a state, performance tier, latency, and technology combination (including, if applicable, the spectrum band(s) and bandwidth), you must click the **ADD COMBINATION** button to save the combination to the application. If the applicant plans to bid on multiple state, performance tier, latency, and technology combinations, you must make a separate entry for each combination using the **ADD COMBINATION** button. Each combination selected and saved to the application will display in a "Saved Combinations" table. A "T+L Weight" (calculated by adding

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<sup>22</sup> See *id.* at 29-33, paras. 82-91.

<sup>23</sup> See *id.*

<sup>24</sup> *Id.* at 30, para. 84.

<sup>25</sup> *Id.* at 31-32, paras. 87.

<sup>26</sup> See *id.* at 53-54, para. 141.

together the Performance Tier Weight (T) and the Latency Weight (L)) will also be displayed in the “Saved Combinations” table for each combination.<sup>27</sup>

A state, performance tier, latency, and technology combination (including, if applicable, the spectrum band(s) and bandwidth) can be removed from the “Saved Combinations” table by clicking the **REMOVE** button next to that combination. A saved combination can also be modified by clicking the **EDIT** button next to that combination. After clicking the **EDIT** button, the state, performance tier, latency, and technology (including, if applicable, the spectrum band(s) and bandwidth) fields will re-populate with the saved information, allowing the applicant to make any necessary modifications. After making any modifications to a combination, you must click the **UPDATE COMBINATION** button to save the modifications to the “Saved Combinations” table.

You may select the number of combinations displayed on each page of the “Saved Combinations” table by using the numerical “show entries” dropdown feature directly above the table. You may also view your saved combination(s) by selecting the individual page links or the **Previous** and **Next** links at the bottom of the screen below the table. You may print the list of combination(s) by clicking the **PRINT** button or view the list in .pdf format by clicking the **PDF** button. After you have confirmed the accuracy of the combination(s) you have selected, click the **SAVE & CONTINUE** button to proceed. An applicant cannot submit its FCC Form 183 until it selects and saves at least one state, performance tier, latency, and technology combination.

An applicant should note that, while a qualified bidder is not obligated to bid on any or all of the combination(s) selected in its FCC Form 183, an applicant may not select any additional state(s) in which to bid after the initial short-form application filing window closes. Thus, the state(s) an applicant selects during the initial filing window should fully reflect its bidding intentions.

We remind potential applicants that they are certifying under penalty of perjury in their short-form applications that they are technically qualified to meet the public interest obligations for each performance tier and latency combination they select. The Commission may initiate enforcement proceedings against applicants that submit threadbare or wholly unrealistic technical showings while selecting the Gigabit or other higher performance tiers. We also note that an applicant will be deemed in default if at the long-form application stage, Commission staff determines the applicant is not reasonably capable of meeting the public interest obligations associated with its winning bids.<sup>28</sup> Accordingly, all applicants should conduct due diligence and seriously consider whether they will be able to meet the relevant public interest obligations before selecting performance tier and latency combinations in their applications.

**Network Information.** An applicant must **upload an attachment** that answers the required operational questions, which can be found in Appendix A of the *Auction 904 Procedures Public Notice* and Appendix A of these instructions, for each state it selects in its application.<sup>29</sup>

If an applicant is a consortium/joint venture, or holding/parent company, it should answer the questions for each member or operating company that intends to provide service if the consortium/joint venture or holding/parent company is named as a winning bidder. To facilitate the Commission’s review

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<sup>27</sup> See *Auction 904 Procedures Public Notice* at 6-8, para. 15.

<sup>28</sup> There also may be other consequences for defaulting. For example, the Commission decided that any applicant that defaulted on its entire CAF Phase II auction award would not be eligible to participate in Auction 904. *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 721, para. 77.

<sup>29</sup> *Auction 904 Procedures Public Notice* at 24, para. 69. If you participated in Auction 903 and were deemed qualified to bid, that application may help inform you of the level of specificity required in your responses to the Appendix A questions regarding your technical qualifications.

of an applicant's responses, you should provide your responses to specific questions directly below each of the numbered operational questions in the attachment. Responses to these questions and any associated supporting documentation will be treated as confidential and withheld from routine public inspection. If a request for public inspection under section 0.461 is made, however, the applicant will be notified and will be required to justify confidential treatment if the applicant has any objections to disclosure.<sup>30</sup>

All Auction 904 support recipients will be subject to the Commission's National Security Supply Chain proceeding, including the rule that "no universal service support may be used to purchase, obtain, maintain, improve, modify, or otherwise support any equipment or services produced or provided by any company posing a national security threat to the integrity of communications networks or the communications supply chain."<sup>31</sup> The prohibition on using universal service funds applies "to upgrades and maintenance of existing equipment and services."<sup>32</sup>

When uploading this document, select "Network Information" as the attachment "Type". The procedure for uploading this required attachment is described below in Section 3.6. As described above, if an applicant intends to use spectrum for any portion of its network (including last mile and backhaul), you must also [upload an attachment](#) using "Spectrum Access" as the attachment "Type" that describes its spectrum access for all portions of the network. See the *Spectrum-Based Technologies* section above.

*Viewing Application During and After the Resubmission Filing Window.* The *State & Performance Tier/Latency* screens will display additional pages during the short-form application resubmission filing window, following the release of a public notice announcing the initial status of each application, and after the release of the *Auction 904 Qualified Bidders Public Notice* announcing the applicants that have been deemed qualified to bid in the auction.

During the short-form application resubmission filing window, an applicant will be able to view—on a *View Eligibility Determinations* screen—the Commission's initial determinations about the applicant's eligibility to bid in the state(s) and for the performance tier and latency combination(s) it selected on the *State & Performance Tier/Latency Selection* screen. During this period, you will be permitted to remove or modify your performance tier, latency, and technology (including, if applicable, the spectrum band(s)/bandwidth) combination(s). You will also be permitted to add new combinations. However, you cannot add any new states.

After the Auction 904 qualified bidders are announced, the *View Eligibility Determinations* screen will again be displayed, and the applicant will be able to view the Commission's final determinations about the applicant's eligibility to bid in the state(s) and for the performance tier and latency combination(s) it selected on the *State & Performance Tier/Latency Selection* screen.

### 3.3 Agreements

On the *Agreements* screens, you must provide information regarding any agreements relating to the applicant's participation in Auction 904. This disclosure requirement applies to any arrangements with parties that are applying to participate in Auction 904 as well as parties that are not participating in Auction 904. Specifically, on the *Agreements with Other Parties* screen, you must indicate, by responding "Yes" or "No," whether the applicant has entered into any agreement(s) relating to the participation of the applicant in competitive bidding in Auction 904. If you select "No" and then click

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<sup>30</sup> See *Auction 904 Procedures Public Notice* at 27, para. 74, n. 155; 54-55, para. 144.

<sup>31</sup> 47 CFR § 54.9(a).

<sup>32</sup> *Protecting Against National Security Threats to the Communication Supply Chain through FCC Programs et al.*, Report and Order et al., 34 FCC Rcd 11423, 11453, para. 77 (2019).

**SAVE & CONTINUE**, you will be directed to the *Ownership* series of screens, described in Section 3.4. If you select “**Yes**” and then click **SAVE & CONTINUE**, you will be directed to the *View/Edit Agreements* screen.

On the *View/Edit Agreements* screen, you must make an entry for each agreement you need to disclose by clicking the **CREATE NEW AGREEMENT** button. On the *Create New Agreement* screen, you must provide an identifying name and the agreement type. The agreement name can be a brief description of the agreement or a simple reference name; however, each agreement name must be unique. If the agreement type is not listed as an option under the dropdown menu, select “Other” and enter a description in the text box that subsequently appears. Neither the name of the agreement nor its description should indicate or suggest an applicant’s state selection(s) or potentially reveal an applicant’s bidding strategy. You must also identify the parties, other than the applicant, to each agreement disclosed on the application and indicate the type of party (i.e., entity or individual). You may provide an FRN for the other party to the agreement, if available. While providing the FRN is optional, including that information may prevent identification errors resulting from parties having similar names or a single party using multiple names. After completing the required information for each party, you must click the **ADD PARTY** button to save the information.

Additional parties can be added by selecting the type of party, entering the applicable information, and clicking the **ADD PARTY** button. The **Clear** link can be used to cancel a party type selection clicked in error. After adding a particular party, the name of that party and its associated FRN can be edited by clicking the **EDIT** button or be deleted from the form by clicking the **REMOVE** button. After identifying all parties to any particular agreement(s), click the **SAVE & CONTINUE** button.

The next screen, the *View/Edit Agreements* screen, lists the agreements and parties to each agreement that you have entered. From this screen, the following options are available:

- Click the **EDIT** button to modify agreement information;
- Click the **DELETE AGREEMENT** button to delete an agreement and associated parties;
- Click the **CREATE NEW AGREEMENT** button to add a new agreement; and
- Click the **Agreements** link in the “Application Sections” box to return to the initial *Agreements with Other Parties* screen, which asks whether the applicant has entered into any agreements that must be disclosed.

An applicant that has entered into any agreement(s) that are subject to disclosure under the Commission’s rules must also **upload an attachment** that briefly describes each such agreement. You must select “Agreement” as the attachment “Type” when uploading the document. The procedure for uploading this required attachment is described below in Section 3.6.

When the applicant has confirmed the accuracy of all agreements and the parties to each agreement that it has disclosed, click the **CONTINUE** button.

### 3.4 Ownership

On the *Ownership* screens, you can provide information regarding parties that have an ownership or other interest in the applicant, which must be disclosed under the Commission’s rules. Sections [1.2112\(a\)](#) and [54.804\(a\)\(1\)](#) of the Commission’s rules list the disclosable interest holders (DIHs) in the applicant that must be reported in FCC Form 183.<sup>33</sup> These DIHs in the applicant include any individual or entity that directly or indirectly owns and/or controls the applicant, such as:

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<sup>33</sup> 47 CFR § 54.804(a)(1) requires the disclosure on the auction application of applicant ownership information as set forth in 47 CFR § 1.2112(a). *See also id.* § 1.21001(b)(1).

- any party holding 10% 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;
- natural persons that control the applicant such as officers and directors;
- in the case of a limited partnership, each limited partner whose interest in the applicant is 10% or greater;
- in the case of a general partnership, each partner and its share in the partnership;
- in the case of a consortium, ownership information for each member;
- in the case of a limited liability company, each member whose interest in the applicant is 10% or greater; and
- all parties holding indirect ownership interests in the applicant that equals 10% or more of the applicant as discussed below.

The Commission's rules require that 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.

All real parties in interest must be disclosed in the application. This almost always means that natural persons should be listed as DIHs in the application. As a result, an application with only corporations or other business entities listed as DIHs will likely be found to be incomplete. In the case where there are no natural persons that own 10% or greater or exercise control of an applicant or an applicant's corporate owner, you should identify the applicant's officers and directors and/or those of its parent(s) as DIHs in the application. In such circumstances, you should also state in an attachment to the application that no persons or entities have a 10% or greater ownership interest in the applicant so there is no ambiguity when the application is reviewed.

All indirect DIHs must be disclosed—not just direct owners of the applicant. In order to determine whether an individual or entity should be reported as an indirect DIH, successively multiply the ownership percentages for each link in the vertical ownership chain that equals 10% or more of the applicant. If the ownership percentage for an interest in the chain exceeds 50% or represents *de facto* control, it should be treated and reported as if it were a 100% interest. In some cases, the sum of all the percentages held by the DIHs may exceed 100%. In addition, 47 CFR § 1.2112(a)(7) lists the FCC-regulated business entities or applicants for an FCC license (FRBs) that must be disclosed in FCC Form 183.

### **Information Already on File with the Commission**

Each applicant is responsible for ensuring that the information submitted in its FCC Form 183 is complete and accurate and complies with the information disclosure requirements of Auction 904. Some applicants may have previously filed an FCC Form 602 ownership report or filed an application for a previous auction in which ownership information was disclosed. To simplify filling out FCC Form 183, the ownership information from the most recent FCC Form 602 or previous auction application with the same FRN the applicant is using to submit its FCC Form 183 will automatically be pre-filled into certain ownership sections on the applicant's FCC Form 183, if such information is in an electronic format compatible with FCC Form 183. Any "Indirect Ownership" attachments associated with an applicant's previously filed FCC Form 602 or auction application will also be imported into the applicant's FCC Form 183 as an attachment.

You must carefully review any information that may have been automatically pre-filled into the application to confirm that all information is complete and accurate as of the deadline for submitting applications for Auction 904. Any previously filed ownership information that is imported into an

applicant's FCC Form 183 must be corrected directly in the FCC Form 183 fields. The Auction Application System will not, however, permit you to edit any ownership attachment(s) that have been imported into the applicant's FCC Form 183; therefore, if you find inaccuracies in any imported attachment, delete the imported attachment and upload a new attachment that contains the applicant's current/updated ownership information. After the deadline for filing short-form applications, the ownership information provided in an applicant's submitted FCC Form 183 (including any attachments) will be considered to be the applicant's most current information on file with the Commission for Auction 904.

If you filed an application in Auction 903 and were deemed qualified to bid, you should review the level of detail in the ownership section of that application and compare it to your current FCC Form 183 in order to confirm that your application has met the Commission's ownership disclosure requirements. More generally, it is recommended that you consult that application for other sections of your current FCC Form 183. In particular, an Auction 903 application may help inform you of the level of specificity required in your responses to the Appendix A questions regarding your technical qualifications.

### **View/Edit Ownership Disclosure Information**

The *View/Edit Ownership Disclosure Information* screen summarizes any ownership information entered in FCC Form 183, either automatically from information on file with the Commission (e.g., from a previously filed FCC Form 602 or auction application) or directly by the applicant.

To view the detailed information that has been pre-filled or otherwise already submitted regarding a DIH or FRB, click on the relevant party's name. To delete existing information in one of these categories, click on the relevant party's name and then click the **DELETE** button next to the name.

To add a new DIH or FRB, click on the relevant **ADD** button. Each screen will specify the information that the applicant must provide. Once you have confirmed as accurate all ownership information that has been entered on the *View/Edit Ownership Disclosure Information* screen, click the **CONTINUE** button.

#### **o Adding Disclosable Interest Holders**

To add a DIH, click on the **ADD** button on the *View/Edit Ownership Disclosure Information* screen, which will direct you to the *Add Disclosable Interest Holder* screen. You must make a DIH entry for any individual or entity required to be disclosed under 47 CFR § 1.2112(a) of the Commission's rules. On this screen and subsequent screens, you must provide information about 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). If the DIH holds an ownership interest that is not listed on the screen (e.g., another type of option or debt securities), select "Other" and enter the DIH's interest(s) in the "Specify" field accordingly. You have the option of providing the FRN of a DIH, but an FRN entry is not required.

If you enter one or more DIHs with indirect ownership interest(s) in the applicant on the *Add Disclosure Interest Holder Type* screen, you must include an attachment describing the relationship between the indirect interest holder(s) and the applicant. The attachment should provide an overview of the ownership chain that links the indirect owner(s) to the applicant, e.g., indirect owners X and Z own 50% of holding company Y and holding company Y owns 100% 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 FCC Form 183. You must select "Indirect Ownership" as the attachment "Type" when [uploading this attachment](#). The procedure for uploading this required attachment is described below in Section 3.6.

The "Percent of Interest Held in Applicant" should reflect the DIH's aggregate ownership interests in the applicant (both direct and indirect). 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 the percentages held by all DIHs collectively may exceed 100%. In other cases (e.g., a director with no ownership in the applicant), a DIH may have a zero percent ownership interest in the applicant.

After completing the necessary information for a DIH, 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 that DIH, click the **OPEN** button next to the section in which you need to make changes. The *Information for DIH* screen also provides a button that allows you to add an FRB entry directly to an existing DIH, without needing to reenter the DIH's information. After you have made any necessary FRB entries for each DIH and have confirmed the accuracy of all the information on the *Information for DIH* screen, click the **CONTINUE** button.

- **Adding FCC Regulated Businesses**

To add an FRB of the applicant, click on the **ADD** button on the *View/Edit Ownership Disclosure Information* screen, which will direct you to the *Add FCC Regulated Business of Applicant* screen. The *Add FCC Regulated Business of Applicant* screen asks you 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 in the FRB.

To add an FRB of a DIH, click the **ADD BUSINESS** button under the DIH's name in the Disclosable Interest Holders of this Applicant section on the *View/Edit Ownership Disclosure Information* screen. The *Add FCC Regulated Business of DIH* screen asks you 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 DIH in the FRB.

To simplify filling out FCC Form 183, you can click on the **Select Entities Already Entered** link on the *Add FCC Regulated Business of Applicant* or *Add FCC Regulated Business of DIH* screens, respectively, when disclosing an FRB previously entered as an FRB for the applicant or another DIH. When you click the **Select Entities Already Entered** link on the *Add FCC Regulated Business of Applicant* or on the *Add FCC Regulated Business of DIH* screen, you will be redirected to the *Copy FCC Regulated Business of Applicant* screen or the *Copy FCC Regulated Business of DIH* screen, as applicable. On these screens, you can select each previously entered entity you want to copy. Please note that the only names that will appear in the list displayed on these screens are previously entered FRBs of the applicant and previously entered DIHs that are entities. Once you have finished copying any FRB(s) of the applicant or DIHs to the applicable screens, be sure to enter the "Percent of Interest Held" in the FRB by the applicable party (either the applicant or the DIH).

After entering or copying the necessary information for a particular FRB, you must click the **ADD** button to save the information. Once you have entered all necessary FRB information, click the **SAVE & CONTINUE** button.

### 3.5 Summary

The *Summary* screen summarizes the information provided in the previous screens. This screen will appear prior to the *Certify & Submit* screen and allows you to review the information you entered on previous screens and to check for inconsistencies or omissions in the information entered.

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

Each applicant is solely responsible for providing complete and accurate information in its FCC Form 183. The automated check for errors is provided to assist applicants in completing FCC Form 183. 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. In addition, although you will be able to proceed to the *Certify & Submit* screen even if you receive a warning message, you should try to address or correct any issues identified in a warning before submitting your application, if possible. You should not assume that the ability to certify and submit FCC Form 183 with a warning message indicates that the subject of the warning will not affect whether the applicant will be deemed qualified to participate in the auction.

If the automated check does not reveal 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.

### 3.6 Attachments

When an applicant needs to provide information not entered directly on the FCC Form 183 screens (e.g., a description of the relationship among indirect ownership interests of the applicant; responses to the required operational questions for each state, performance tier, latency and technology combination selected; information regarding spectrum access, if applicable), such information should be provided in an attachment. You can [add an attachment](#) to FCC Form 183 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 file to be attached, and a brief description of the attachment.

The following scenarios require an attachment. Select the appropriate “Type” for each attachment. If you do not select the appropriate attachment type, an error message will appear on the *Error Summary* screen, and the application will not be able to be certified and submitted.

- If you indicate on the *Legal Classification* screen that the applicant is a holding company submitting its application on behalf of itself and one or more existing operating companies, select **“Operating Companies”** as the “Type” of attachment in the dropdown list and upload the required attachment.
- If you indicate on the *Legal Classification* screen that the applicant is a consortium, select **“Consortium”** as the “Type” of attachment in the dropdown list and upload the required attachment.
- If you indicate on the *Operational and Financial Information* screen that the applicant or its parent company operated only an electric transmission or distribution network, and did not provide a voice and/or broadband service, for at least two years, select **“Electric Company Documents”** as the “Type” of attachment in the dropdown list and upload the required attachment.
- If you indicate on the *Operational and Financial Information* screen that the applicant has not provided a voice, broadband, and/or electric transmission or distribution service for at least two years, or is not a wholly-owned subsidiary of such an entity, select **“Letter of Interest”** as the “Type” of attachment in the dropdown list and upload the required attachment.
- To submit the financial statements (audited or unaudited) required of all applicants, select **“Financial Statements”** as the “Type” of attachment in the dropdown list and upload the required attachment.

- If you indicate on the *State and Performance Tier/Latency Selection* screen that the applicant intends to use a spectrum-based technology to meet its obligations in areas for which it is the winning bidder, select “**Spectrum Access**” as the “Type” of attachment in the dropdown list and upload the required attachment.
- To submit responses to the operational questions required of all applicants and any supporting documentation, select “**Network Information**” as the “Type” of attachment in the dropdown list and upload the required attachment.<sup>34</sup>
- If you indicate on the *Agreements with Other Parties* screen that the applicant has entered into any agreement(s) relating to the participation of the applicant in the competitive bidding, select “**Agreement**” as the “Type” of attachment in the dropdown list and upload the required attachment.
- If you indicate on the *Add Disclosable Interest Holder Type* screen that one or more DIHs have an indirect ownership interest in the applicant, select “**Indirect Ownership**” as the “Type” of attachment in the dropdown list and upload the required attachment describing the relationship between the indirect ownership interest holder(s) and the applicant.

For any other **attachments** the applicant needs or wishes to submit in support of its application, select the appropriate attachment “Type” in the dropdown list. If a request for a waiver or exemption of any of the Commission’s rules or procedures needs to be submitted, select “Waiver” as the “Type” of attachment in the dropdown list to help facilitate prompt processing of the request.

A request for confidential treatment of information submitted with an application (other than the financial information for which an applicant may request confidential treatment pursuant to 47 CFR § 0.459(a)(4) directly on the *Operational and Financial Information* screen) should be identified as such by selecting “Confidential Treatment” as the “Type” of attachment in the dropdown list.<sup>35</sup> This attachment type is only to be selected for the submission of a request for confidential information. It **should not be used for submitting other information that the applicant wishes to be kept confidential**, and the Commission shall have no obligation to treat an application’s selection of the attachment type “Confidential Treatment” as a properly filed request under 47 CFR § 0.459(a)(4) for the attachment.

After selecting the correct file attachment, click the **UPLOAD FILE** button. You may experience a short delay as the system processes an uploaded attachment. A list of any attachments already uploaded to the applicant’s FCC Form 183 will appear at the bottom of the screen.

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). Any files uploaded will be automatically converted to a .pdf format. You must verify that the files contain all attachment information. Any uploaded files may be no larger than 10 MB each 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, click the **CONTINUE** button. After the FCC Form 183 filing deadline, an application attachment may not be deleted or withdrawn. If an applicant needs to modify information provided in an attachment after the initial filing deadline, it must **submit a new attachment** with the modified/updated information and indicate that the new attachment replaces the previous attachment.

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<sup>34</sup> See *Auction 904 Procedures Public Notice* at 108-11, Appx. A.

<sup>35</sup> See *Auction 904 Procedures Public Notice* at 53-55, paras. 140-45.

### 3.7 Certify and Submit

The *Certify & Submit* screen provides several certifications required of all Auction 904 applicants. The *Certify & Submit* screen also requests that the applicant's certifying official be identified and sign the application.

An FCC Form 183 must be certified by a person with the authority to bind the applicant. In the event that changes are made to any of the information in FCC Form 183 after the application filing deadline, the person that originally certified the application will have to certify the changes as well.

Applicants are reminded that submission of an FCC Form 183 constitutes a representation by the person certifying that he or she is an authorized representative of the applicant with the authority to bind the applicant and has read the form's instructions and certifications. Submission of an FCC Form 183 also constitutes a representation by the person certifying that the contents of the application, its certifications, and any attachments are true, complete, and correct. Submission of a false certification may result in penalties, including monetary forfeitures, license forfeitures, ineligibility to participate in future auctions, and/or criminal prosecution.

Once the *Certify & Submit* screen has been filled out, click on the **CERTIFY & SUBMIT** button to submit the application. Information in an application will not be considered by the Commission unless the applicant's certifying official clicks the **CERTIFY & SUBMIT** button on this screen. Please allow up to several minutes for processing after you click the **CERTIFY & SUBMIT** button, particularly if the applicant has a large number of ownership entries. To avoid technical complications, do not click the **CERTIFY & SUBMIT** button more than once while waiting for the system to process your submission.

After the application has been submitted, a confirmation screen will display the submission time and date, along with a unique file number. The applicant is strongly encouraged to print or save a copy of the confirmation page for its records. The applicant may 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.

FCC Form 183 applications for Auction 904 must be submitted and confirmed prior to **6:00 p.m. EDT on July 15, 2020**. The applicant is strongly encouraged to submit its application well in advance of the filing deadline as late applications or unconfirmed submissions will not be accepted.

### 3.8 Withdrawing a Short-Form Application

An applicant may withdraw its short-form application only during the initial filing window. To withdraw a submitted application before the filing deadline, click on the **Withdraw Application** icon on the *Review or Modify Existing Short-Form Applications* section of the *Auction Application Manager* screen. The entire FCC Form 183, including all previously submitted data and any uploaded attachments, will be deleted. An application may not be withdrawn after the Auction 904 application filing deadline on July 15, 2020 at 6:00 p.m. EDT.

Each applicant that submits an FCC Form 183 to participate in Auction 904 becomes subject to the Commission's prohibition on certain communications as of the Auction 904 application filing deadline. The prohibition applies until the deadline for winning bidders to submit long-form applications for support, regardless of whether the applicant has an application that has been deemed to be complete, becomes a qualified bidder, places a bid, or is no longer bidding in the auction. For more information on the prohibited communication rules, see paragraphs 143-173 of the *Auction 904 Procedures Public Notice*.

### 3.9 Updating an Existing Short-Form Application

The *Review or Modify Existing Short-Form Applications* section of the *Auction Application Manager* screen displays any application created or submitted within an application 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.

To review or continue working on an existing short-form application, click the auction number for the application you want to review or modify (i.e., click on “904” for your Rural Digital Opportunity Fund Phase I auction application), which will display the application’s *Summary* screen in a view/edit mode. To submit any changes made to FCC Form 183, go to the *Certify & Submit* screen and click the **CERTIFY & SUBMIT** button. After the revised application has been submitted, a confirmation page will display the application’s file number and submission time and date. An applicant is strongly encouraged to print or save a copy of the confirmation page for its records. You may view and print copies of the 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.

After the initial FCC Form 183 filing deadline, an applicant will be permitted to make only minor changes to its application.<sup>36</sup> Examples of minor changes include the deletion or addition of authorized bidders (to a maximum of three) and the revision of addresses and telephone numbers of the applicant, its responsible party, and its contact person. Major modifications will not be permitted. Major modifications would include, for example, adding a state in which the applicant intends to bid, making changes in ownership information that would constitute an assignment or transfer of control of the applicant, changing any of the required certifications, and changing the applicant’s legal classification that would result in a change in control.<sup>37</sup>

An applicant’s ability to modify its FCC Form 183 directly in the Auction Application System will be limited between the closing of the initial filing window and the opening of the application resubmission filing window, and again between the closing of the resubmission filing window and the release of the public notice announcing the Auction 904 qualified bidders. During these periods, an applicant will be permitted to modify only the applicant’s address, responsible party address, and contact information (e.g., name, address, telephone number, etc.). If, during these periods, an applicant needs to make other permissible minor changes to its FCC Form 183, or changes to maintain the accuracy and completeness of its application,<sup>38</sup> the applicant must submit a letter briefly summarizing the changes via email to [auction904@fcc.gov](mailto:auction904@fcc.gov). The email must include a subject line referring to Auction 904 and the name of the applicant, for example, “Re: Changes to Auction 904 Auction Application of XYZ Corp.” Any attachments to the email must be formatted as Adobe® Acrobat® (PDF) or Microsoft® Word documents. An applicant that submits its changes in this manner must subsequently modify, certify, and submit its FCC Form 183 application electronically in the Auction Application System once it is again open and available to applicants.

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<sup>36</sup> See *Auction 904 Procedures Public Notice* at 64-65, para. 182.

<sup>37</sup> See *id.*

<sup>38</sup> See *id.*

## 4. PUBLIC AVAILABILITY OF APPLICATION INFORMATION

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All information that is required to be submitted as part of an application to participate in the auction is necessary to determine each applicant's qualifications to participate in the auction. Short-form application information will generally be publicly available after the Commission releases a public notice with the initial status of all timely submitted applications. However, consistent with the Commission's limited information procedures in place for Auction 904, the following information in each application will not be publicly available at least until after the close of the auction:

- The state(s) selected by an applicant
- The state(s) for which the applicant has been determined to be qualified to bid.
- The performance tier and latency combination(s) selected by an applicant.
- The spectrum access attachment submitted with the short-form application. An applicant should ensure that it uploads this information using the "Spectrum Access" attachment "type."
- The performance tier and latency combination(s) for which the applicant has been determined to be eligible to bid and the associated weight for each combination.
- An applicant's responses to the questions in Appendix A of the *Auction 904 Procedures Public Notice* and any supporting documentation submitted in any attachment(s) that are intended to demonstrate an applicant's ability to meet the public interest obligations for each performance tier and latency combination that the applicant has selected in its application. An applicant should ensure that it uploads this information using the "Network Information" attachment "Type."
- Any financial information contained in an applicant's short-form application for which the applicant has requested confidential treatment under the abbreviated process described above and in paragraphs 139-141 of the *Auction 904 Procedures Public Notice*. An applicant should ensure that it uploads this information using the "Financial Statements" attachment "Type."
- An applicant's letter of interest from a qualified bank that the bank would provide a letter of credit to the applicant. An applicant should ensure that it uploads this information using the "Letter of Interest" attachment "Type."

After the close of bidding and announcement of auction results, we will make publicly available all short-form application information, except for an applicant's operational information, letter of interest, and confidential financial information.<sup>39</sup> Accordingly, an applicant should take care not to include any unnecessary sensitive information, such as Taxpayer Identification Numbers or Social Security Numbers, in its application.

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<sup>39</sup> See *Auction 904 Procedures Public Notice* at 53-54, para. 141.

## 5. MISCELLANEOUS

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### 5.1 Access to View Short-Form Applications

After the deadline for filing short-form applications, the Commission will process all timely submitted applications and subsequently issue a public notice identifying those applications that are (1) complete and (2) incomplete or deficient. Following the release of that public notice, any interested parties may view the auction applications (except for any application information that is subject to the limited information disclosure procedures adopted by the Commission for Auction 904) by searching for them in the Commission's database.

To start a search, go to either [auctions.fcc.gov](http://auctions.fcc.gov) (primary location) or [auctions2.fcc.gov](http://auctions2.fcc.gov) (secondary location) and click the Auction Application Search link in the "Public Access" area on the *Auction Application System* screen.

### 5.2 Contact Information

For further information concerning Auction 904, contact the appropriate individual or office listed below:

#### **FCC Auctions Hotline**

General Auction Questions  
Auction Process and Procedures

(888) 225-5322, option two; or  
(717) 338-2868  
Hours of service: 8:00 a.m. – 5:30 p.m. ET,  
Monday through Friday

#### **FCC Email & Webpages**

[auction904@fcc.gov](mailto:auction904@fcc.gov)  
[www.fcc.gov](http://www.fcc.gov)  
[www.fcc.gov/auction/904](http://www.fcc.gov/auction/904)

#### **Auctions Division, Office of Economics and Analytics**

For Auction 904 Legal Questions:

Mark Montano or Daniel Habif at (202) 418-0660

#### **Telecommunications Access Policy Division, Wireline Competition Bureau**

For General Universal Service Questions:

Heidi Lankau or Lauren Garry at (202) 418-7400

#### **Technical Support**

Electronic Filing  
Auction Application System (Hardware/Software  
Issues)

(877) 480-3201, option nine; or (202) 414-1250  
(202) 414-1255 (TTY)  
Hours of service: 8:00 a.m. – 6:00 p.m. ET,  
Monday through Friday

#### **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**

For Accessible Formats:

(202) 418-0530  
(202) 418-0432 (TTY)  
[fcc504@fcc.gov](mailto:fcc504@fcc.gov)

**Office of Communications Business Opportunities**

For Questions Concerning Small Business Inquiries:

(202) 418-0990

[www.fcc.gov/ocbo/](http://www.fcc.gov/ocbo/)

**Electronic Code of Federal Regulations**

[www.ecfr.gov](http://www.ecfr.gov)



## **Auction 904 Short-Form Application Operational Questions**

### **Operational History**

1. Has the applicant previously deployed consumer broadband networks (Yes/No)? If so:
  - a. Provide the date range when broadband service was offered and in which state(s) service was offered. Specify dates for each state.
  - b. Provide an estimate of how many subscribers are currently served in each state. (If the applicant is no longer providing service in any state, estimate the number of customers that were served at the beginning of the last full year that the applicant did provide service.)
  - c. What services (e.g., voice, video, broadband Internet access) were or are provided in each state?
  - d. List any data-usage limit (data cap) used as part of existing broadband access services.
  - e. What specific technologies and network architecture are used for last-mile; middle-mile/backhaul; and internet interconnections?
  - f. What are the deployed voice technologies and how are these voice services implemented?

### **Proposed Network(s) Using Funding from Auction 904**

Answer for each state the applicant selected in its application:

2. Network Infrastructures:
  - a. Briefly describe from a high-level network perspective which network architectures and technologies will be used in the applicant's proposed deployment. If there are variations by state, region, or other criteria, describe each network or location.
  - b. Last-mile: What are the relevant topologies, technologies and protocols and the corresponding industry standards for the last-mile network infrastructure in the applicant's proposed deployment?
  - c. Middle-Mile/Backhaul: What are the relevant topologies, technologies and protocols and the corresponding industry standards for the middle-mile/backhaul network infrastructure in the applicant's proposal?

- d. Internet Access: What are the relevant topologies, technologies and protocols and the corresponding industry standards for the Internet access network infrastructure in the applicant's proposal? This is the connection to major IXPs, transit providers, etc.
- e. Gigabit Performance Tier: Special care must be taken to describe the above portions of the network, especially last-mile, when service providers propose to bid in the Gigabit performance tier. For example, if an applicant proposes to use DSL to offer Gigabit service, wire lengths, wire quality & capability, protocols, vendor devices and other factors must be detailed. Additionally, fixed wireless providers proposing to bid in the Gigabit performance tier must pay special and careful consideration in answering the questions in 4(e) below on Network Performance.<sup>40</sup>
- f. If the applicant is proposing to use non-standard technologies and protocols, the applicant should identify which vendor(s) and product(s) are being considered and provide links to the vendors' websites and to publicly available technical specifications of the product(s).<sup>41</sup>

### 3. Voice Services:

- a. Briefly describe the anticipated system(s) that will be used to provide voice services to the applicant's subscribers, including a standalone voice service. Examples of such solutions could include: (1) internally designed and operated; (2) provided by a Managed Voice Service Provider; or (3) or an OTT (Over-The-Top) solution available to subscribers via the applicant. If the applicant is considering multiple solutions, provide information on each one and identify possible vendors or service providers.
- b. If the applicant plans to use an internally designed and operated system, provide specific information on any existing voice system the applicant operates.
- c. If the applicant plans to implement a new system to meet these requirements, provide specific information on the technology, standards, latency, planned QoS, architecture; design; protocols; equipment; vendors; public switched telephone network (PSTN) interconnections (links, speed and to whom you interconnect); capacity (projected peak call rates versus total projected subscribers); reliability and availability design and procedures; and the applicant's specific plans to control, manage, monitor, and recover/repair/troubleshoot outages. If any of these issues are addressed in response to the other questions in this Appendix, it is permissible to cross-reference that information here.

### 4. Network Performance:

- a. Can the applicant demonstrate that the technology and the engineering design will fully support the proposed performance tier, latency and voice service requirements for the requisite number of locations during peak periods (Yes/No)?

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<sup>40</sup> Gigabit performance tier applicants, as all other applicants, are encouraged to provide concise and sufficiently detailed answers, both quantitative and qualitative, in addition to supportive documentation that demonstrates how the applicable performance tier and latency requirements could be met.

<sup>41</sup> If technical specifications for the non-standard technologies are not available on a vendor's website, technical documents may be submitted with the application.

- b. Briefly describe the capabilities of the network technologies that will enable performance tier (speed and usage allowance), latency and (where applicable) voice service mean opinion score (MOS) requirements to be met. This can include traffic management, Quality of Service, over-building/scalability, using equipment that easily allows upgrades and other techniques.
  - c. For both broadband and voice services, state the target or design peak period over-subscription ratio(s) for the last-mile, middle-mile/backhaul and Internet interconnection that will be used. Additionally, describe the basic assumptions and calculations that will be used in determining these ratios.
  - d. What general rules-of-thumb will be used to determine if any portion of the network infrastructure needs to be improved, upgraded or expanded to ensure the network is able to meet the required speed, latency and where required voice quality? For example, taking action when (1) when middle-mile link average peak period load is greater than 70%; when a link peak period load exceeds 95% more than 10 times; when a router's average peak period processing utilization exceeds 70%; when an Internet access link load exceeds 75% for a specified time period; when call setup, call drop, call completion rates meet or exceed applicant targets.
  - e. For fixed broadband wireless access and satellite networks, describe how the proposed frequency band(s) and technology attributes, for both last mile and backhaul, will achieve the performance tier(s)<sup>42</sup> and latency requirements to all locations for both broadband and voice services. Specifically, describe how the planned frequency bands, base station configuration, including, for example, point-to-point, point-to-multipoint or mesh architectures, and customer premise equipment (CPE), channel bandwidths minimal requirements,<sup>43</sup> traffic assumptions,<sup>44</sup> and propagation assumptions,<sup>45</sup> and calculations yield sufficient capacity to all the planned locations.
5. Network Buildout: Can the applicant demonstrate that all the network buildout requirements to achieve all service milestones can be met (Yes/No)? The applicant will be required to submit a detailed project plan in the long-form application if it is named as a winning bidder. Describe concisely the information that the applicant would make available in such a detailed project plan.
  6. Network Equipment, Consultants and Deployment Vendors: For the proposed performance tier and latency combination(s), can the applicant demonstrate that potential vendors, integrators and other partners are able to provide commercially available and fully compatible network

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<sup>42</sup> All the performance tiers have both downstream and upstream speed requirements. An applicant must demonstrate how the requirements for both the downstream and upstream speeds could be met.

<sup>43</sup> Channel bandwidths minimal requirements must be provided for both base station or access point and CPE and their pertinent technology and protocols.

<sup>44</sup> Traffic assumptions must include peak hour(s), network loading, oversubscription ratio, estimated maximum number of subscribers, and monthly usage per subscriber.

<sup>45</sup> For example, provide specific assumptions pertinent to planned frequency bands including, but not limited to, allowable path distances, availability, and propagation loss categories, such as foliage and rain. For base station (access point) coverage, provide information on the treatment of forward path, reverse path, and non-line of sight scenarios.

equipment/systems, interconnection, last mile technology and CPE that will meet the performance tier(s) and latency performance requirements at a cost consistent with applicant's buildout budget and in time to meet service milestones (Yes/No)? Describe concisely the information and sources of such information that the applicant could make available to support this response.

7. Network Management:

- a. Briefly describe the method(s) that will be used to monitor, operate, problem resolution, provision and optimize the network and associated services such as voice. Identify if the proposed solution is internally developed and operated; expands existing systems; uses a third-party network management provider; or is some variant or combination of these methods.
  - b. Remember to include how voice operations will be monitored, operated, problems resolved, provisioned and optimized as appropriate.
  - c. If the applicant will expand existing network management systems, describe how the current system provides successful operations.
  - d. If the applicant will use a third-party network management provider, identify any providers the applicant is currently considering.
  - e. If the applicant will develop, deploy and operate a new system can the applicant demonstrate that it can provide internally developed operations systems for provisioning and maintaining the proposed network including equipment and segments, interconnections, CPE and customer services at cost consistent with applicant's buildout budget and in time to meet service milestones (Yes/No)? If not, can the applicant demonstrate that potential vendors, integrators, and other partners are able to provide commercially available and fully compatible operations systems and tools for provisioning and maintaining the proposed network at cost consistent with applicant's buildout budget and in time to meet service milestones (Yes/No)? Describe concisely the information and sources of such information that the applicant could make available to support these responses.
8. Satellite Networks: If the applicant is using satellite technologies, identify which satellites would be used, and describe concisely the total satellite capacity available, that is, capacity that is not currently in use for existing subscribers. In addition, describe how the proposed network will achieve the performance tier(s) and latency requirements to all planned locations in a mass-market consumer service.